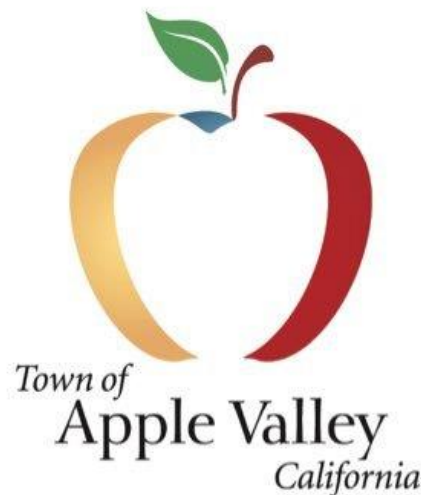


ADMINISTRATIVE DRAFT

**INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**

**COMMERCIAL CENTER (CONVENIENCE STORE,
RETAIL SHOPS, & GAS STATION)
TOWN OF APPLE VALLEY, CALIFORNIA
APN 0437-193-26**



LEAD AGENCY:

**TOWN OF APPLE VALLEY, PLANNING DIVISION
14955 DALE EVANS PARKWAY
APPLE VALLEY, CALIFORNIA 92307**

REPORT PREPARED BY:

**BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 S. HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CALIFORNIA 91745**

NOVEMBER 2, 2023

APPL 003

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Commercial Center (Convenience Store, Retail Shops, & Gas Station)

PROJECT APPLICANT: The Applicant for the proposed project is Chris Hitt, owner of Hitt Construction Company, Inc., P.O. Box 638, Apple Valley, California 92307.

PROJECT LOCATION: The proposed project site is a 9.98-acre property located on the northeast corner of Central Road and Waalew Road in the Town of Apple Valley. No legal address has been assigned to this property at this time. The corresponding Assessor Parcel Numbers (APN) is 0437-193-26.

CITY AND COUNTY: Town of Apple Valley, San Bernardino County.

PROJECT: This Initial Study and Mitigated Negative Declaration analyzes a proposal to construct and operate commercial center consisting of a convenience store, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. Two underground storage tanks (UST) would be located just east of the fueling area and would include a 10,000 gallon 89 octane and 5,000 gallon diesel UST. A second 15,000 gallon UST would contain 92 Octane and diesel fuel. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would be connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. The proposed project would provide 100 parking spaces including 92 standard spaces and 8 ADA spaces. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate) and the site’s General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The northeastern portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*.

EVALUATION FORMAT: The attached Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of the attached Initial Study was guided by Section 15063 of the State CEQA Guidelines. The project was evaluated according to its effect on 21 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist includes a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact: No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact with Mitigation: Possible significant adverse impacts have been identified or anticipated and mitigation measures are required as a condition of the project's approval to reduce these impacts to a level below significance.

Potentially Significant Impact: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in the attached Initial Study.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology & Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology & Water Quality | <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation & Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project <i>COULD NOT</i> have a significant effect on the environment, and a <i>NEGATIVE DECLARATION</i> shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <i>MITIGATED NEGATIVE DECLARATION</i> shall be prepared.
<input type="checkbox"/>	The proposed project <i>MAY</i> have a significant effect on the environment, and an <i>ENVIRONMENTAL IMPACT REPORT</i> is required.
<input type="checkbox"/>	The proposed project <i>MAY</i> have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <i>ENVIRONMENTAL IMPACT REPORT</i> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an <i>earlier EIR or NEGATIVE DECLARATION</i> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that <i>earlier EIR or NEGATIVE DECLARATION</i> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

The environmental analysis is provided in the attached Initial Study prepared for the proposed project. The project is also described in greater detail in the attached Initial Study.



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APPENDICES (PROVIDED UNDER A SEPARATE COVER)

APPENDIX A – AIR QUALITY, GREENHOUSE GAS, AND HEALTH RISK ASSESSMENT

APPENDIX B – BIOLOGICAL REPORT

APPENDIX C – CULTURAL RESOURCES REPORT

APPENDIX D – UTILITIES AND ENERGY CALCULATIONS

APPENDIX E – VMT SCREENING ANALYSIS

SECTION 1. INTRODUCTION

1.1 OVERVIEW OF THE PROPOSED PROJECT

This Initial Study and Mitigated Negative Declaration analyzes a proposal to construct and operate commercial center consisting of a convenience market, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. Two underground storage tanks (UST) would be located just east of the fueling area and would include a 10,000 gallon 89 octane and 5,000 gallon diesel UST that would contain 87 Octane fuel. A second 15,000 gallon UST that would contain 92 octane and diesel fuel. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet and would house various commercial businesses. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. The proposed project would provide 100 parking spaces including 92 standard spaces and 8 ADA spaces. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate).¹

1.2 PURPOSE OF THIS INITIAL STUDY

The Town of Apple Valley (the Town) is the designated *Lead Agency*, and as such, the Town will be responsible for the project’s environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.² As part of the proposed project’s environmental review, the Town of Apple Valley has authorized the preparation of this Initial Study.³ The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project would have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the Town of Apple Valley with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project’s environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,

¹ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

² California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

³ Ibid. (CEQA Guidelines) §15050.

- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the Town of Apple Valley, in its capacity as the Lead Agency. The Lead Agency determined, as part of this Initial Study's preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project's CEQA review.

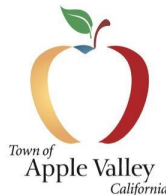
Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.⁴ This Initial Study and the *Notice of Intent to Adopt (NOIA) a Mitigated Negative Declaration* will be forwarded to the State Clearinghouse, responsible agencies, trustee agencies, and the public for review and comment. This Initial Study and Mitigated Negative Declaration will also be forwarded to the State of California Office of Planning Research (the State Clearinghouse). A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.⁵ Questions and/or comments should be submitted to the following contact person:

Town of Apple Valley Development Department, Planning Division
14955 Dale Evans Parkway
Town of Apple Valley, California 92307

1.3 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 Project Description* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 Environmental Analysis* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 Conclusions* summarizes the findings of the analysis.
- *Section 5 References* identifies the sources used in the preparation of this Initial Study.



⁴ California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

⁵ California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.6, Section 2109(b).* 2000.

SECTION 2. PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed project site is located in the northeast portion of the Town of Apple Valley. The Town of Apple Valley is located in the southwestern portion of San Bernardino County in the southwestern Mojave Desert physiographic subregion. This physiographic subregion is more commonly referred to as either the “Victor Valley” or the “High Desert” due to its approximate elevation of 2,900 feet above sea level. The Victor Valley is separated from the more populated areas of coastal Southern California by the San Bernardino and San Gabriel mountains. The Town of Apple Valley is bounded on the north by unincorporated San Bernardino County; on the east by unincorporated San Bernardino County; the south by the City of Hesperia and unincorporated San Bernardino County; and on the west by the City of Adelanto, City of Victorville, and the City of Hesperia. Regional access to the Town of Apple Valley is provided by two area highways: the Mojave Freeway (Interstate 15), extends along the westside of Apple Valley and State Route 18 traverses the central portion of Apple Valley in an east to west orientation.⁶ The location of the Town of Apple Valley, in a regional context, is shown in Exhibit 2-1. A citywide map is provided in Exhibit 2-2.

Central Road extends along the project site’s west side and Waalew Road extends along the project site’s south side. No street address has been assigned to the project site at this time. The corresponding Assessor Parcel Number (APN) is 0437-193-26. The site’s latitude and longitude include 34.556992; -117.171348. A local vicinity map is provided in Exhibit 2-3. An aerial photograph of the site and the surrounding area is provided in Exhibit 2-4.

2.2 ENVIRONMENTAL SETTING

The proposed project site is located on a 9.98-acre property that is largely vacant though it had been disturbed. The site’s elevation is approximately 2,874 feet above mean sea level (AMSL) in the site’s northeast corner to 2,850 feet AMSL in the southeast corner. The proposed overall area within the site is generally level with a 25-foot gradient trending towards the southeast. The southern portion of the site has been graded. Utility lines extend along the site’s Waalew Road frontage. The remainder of the site is occupied by creosote scrub (*Larrea tridentata*). The property is currently zoned as R-E (Residential – Estate). Land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.⁷
- *East of the project site:* Vacant, undisturbed land is located to the east of the project site. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.⁸
- *South of the project site:* Waalew Road extends along the project site’s south side. A single-family residence is located further south, on the south side of the aforementioned roadway. This area is zoned as R-EQ (Residential Single-Family Equestrian) in the Town of Apple Valley Zoning Map.⁹

⁶ Google Earth. Website accessed February 2, 2023.

⁷ Google Maps and Town of Apple Valley Zoning Map. Website accessed on December 20, 2022.

⁸ Ibid.

⁹ Ibid.

- *West of the project site:* Central Road extends along the project site’s west side. A single-family residence is located further west, to the west of the aforementioned roadway. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.¹⁰

2.3 PHYSICAL CHARACTERISTICS OF THE PROPOSED PROJECT

This Initial Study analyzes the environmental impacts associated with the development of proposed commercial center that would be located on the northeast corner of Central Road and Waalew Road. The proposed lots that would be developed in a single phase. The proposed project’s site plan is illustrated in Exhibit 2-5. The proposed project would consist of the following elements:

- *Project Site.* The proposed commercial component of the project consists of 3.35-acres (145,926 square feet). This commercial development is located on the northeast corner of a larger property that consists of approximately 10-acres. Landscaping would total 4,800 square feet. Hardscape and other impervious surfaces would total 141,126 square feet. The proposed project’s building lot coverage would be 23%. The proposed project would involve the construction and operation commercial center consisting of a convenience store, retail shops, and a gasoline station. The northern portion of the site would be subdivided into five separate parcels for future residential development.¹¹
- *New Convenience Store.* The new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The new building would include a cashier’s area, a merchandise display area, a quick-service fast-food restaurant (QSR) use, and restrooms.¹²
- *New Fueling Area.* The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy consisting of approximately 5,778 square feet. Two underground storage tanks (USTs) would be installed just east of the fueling area. The first UST, totaling 15,000 gallons, would be provide for the split storage of 87 octane gasoline and 5,000 gallons of diesel fuel. The second tank, totaling 15,000 gallons, would store 10,000 gallons of 89 octane gas and 5,000 gallons of 85 octane gas.¹³
- *New Commercial Retail Building.* A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet. The building would face the convenience store (southwest) with parking stalls located along the front elevations.¹⁴
- *Site Access.* Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would be connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. Both driveways would have a curb-to-curb width of approximately 40 feet.¹⁵
- *Project Parking.* The proposed project would provide 100 parking spaces including 92 standard spaces and 8 ADA spaces.

¹⁰ Google Maps and Town of Apple Valley Zoning Map. Website accessed on December 20, 2022.

¹¹ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

- *Landscaping.* Landscaping would total 4,800 square feet. The landscaping would be drought tolerant and would be installed along the project site's street frontages and around the new building.¹⁶
- *Utilities.* The project site would involve the installation of a new 10,000 foot water line connection to an existing water line. The project would also involve the extension of a sanitary sewer system line for approximately 10,000 lineal feet. Storm water runoff would be conveyed to curbs and gutters.¹⁷

The proposed commercial development's site plan is illustrated in Exhibit 2-5.

2.4 OPERATIONAL CHARACTERISTICS OF THE PROPOSED PROJECT

The proposed project's anticipated hours of operation would be seven days a week, 24-hours a day. The proposed retail use is anticipated to employ approximately 56 persons. This employment rate figure assumes one new job for every 432 square feet of floor area.¹⁸

2.5 CONSTRUCTION CHARACTERISTICS

Construction for the current proposed project is assumed to commence in early (June) 2024 and would take approximately six months to complete.¹⁹ The key construction phases are outlined in the paragraphs that follow.

- *Grading Phase.* The project site would be graded and readied for the construction. The typical heavy equipment used during this construction phase would include graders, bulldozers, offroad trucks, back-hoes, and trenching equipment. This phase would require one month to complete.
- *Site Preparation Phase.* During this phase, the building footings, utility lines, and other underground infrastructure would be installed. The typical heavy equipment used during this construction phase would include bulldozers, offroad trucks, back-hoes, front-end loaders, and trenching equipment. This phase would require one month to complete.
- *Building Phase.* The new building would be constructed during this phase. The typical heavy equipment used during this construction phase would include offroad trucks, a crane, and fork-lifts. This phase would take approximately three months to complete.
- *Paving, Landscaping, and Finishing Construction Phase.* The development site would be paved during this phase. The typical heavy equipment used during this construction phase would include trucks, backhoes, rollers, pavers, and trenching equipment. This phase will take approximately one month to complete.

¹⁶ Ibid.

¹⁷ Personal communication with project architect.

¹⁸ The Natelson Company. Employment Density Study, Summary Report,

¹⁹ Ibid.

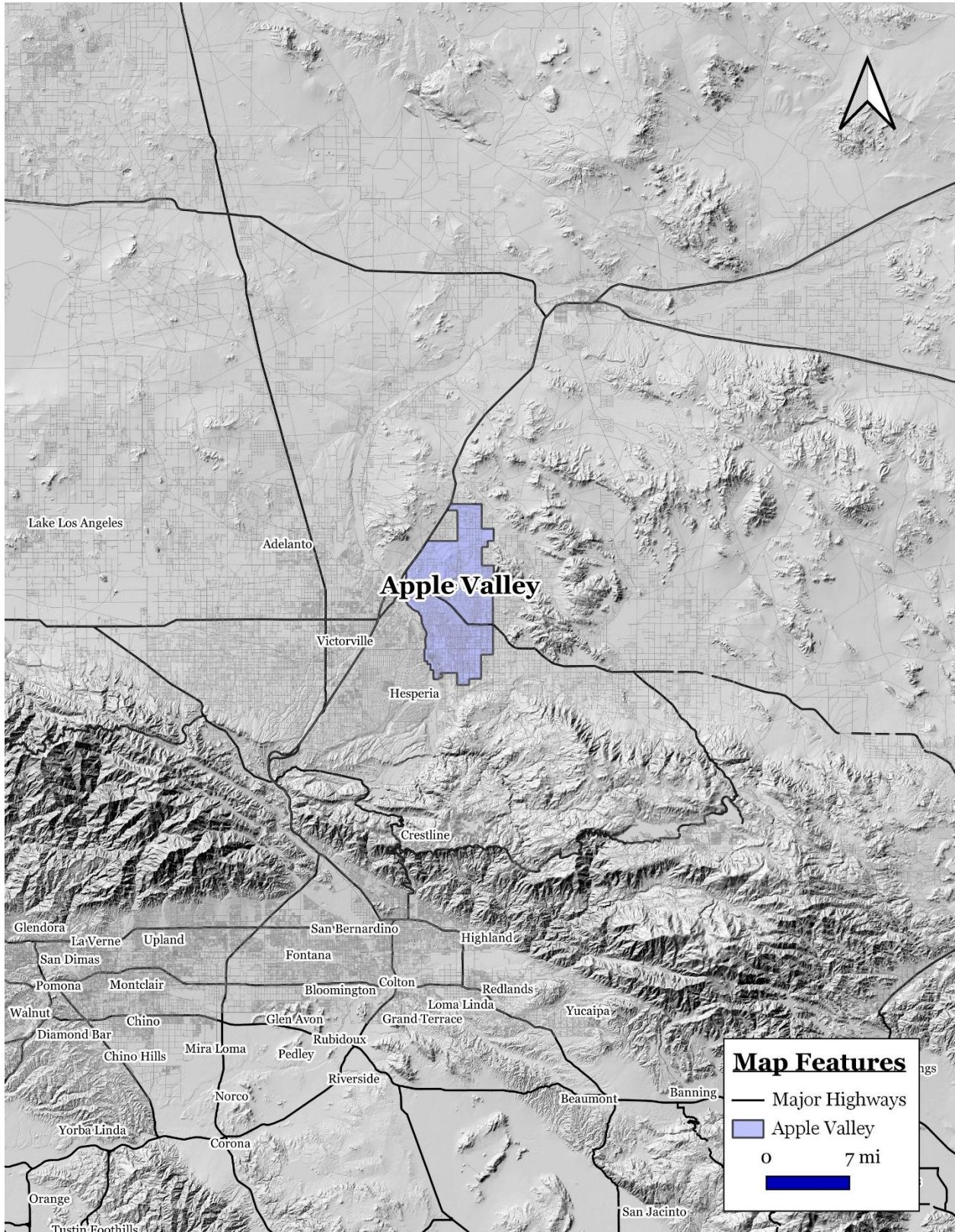


EXHIBIT 2-1 REGIONAL MAP
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

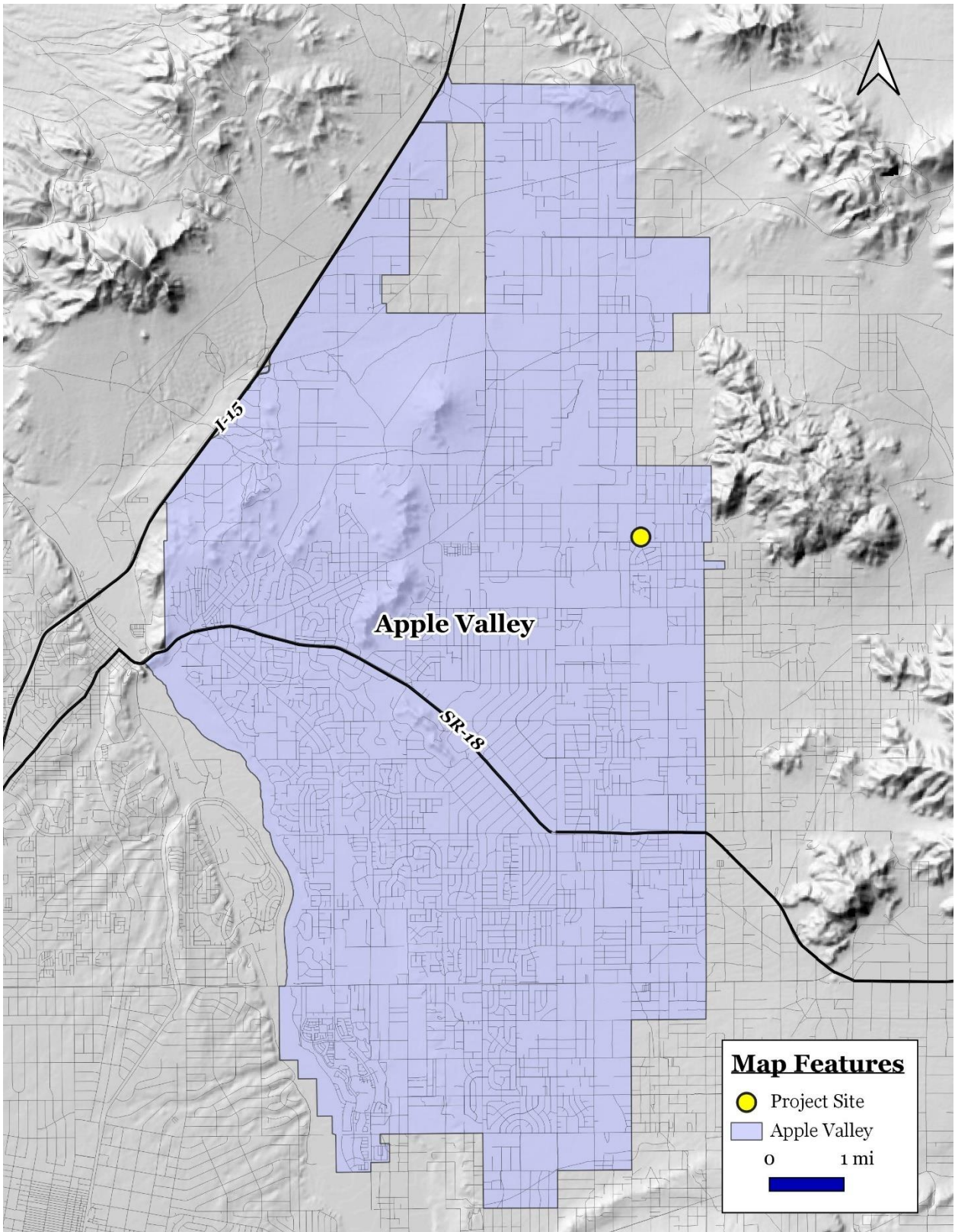


EXHIBIT 2-2 CITYWIDE MAP
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



EXHIBIT 2-3 LOCAL MAP
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



EXHIBIT 2-4 AERIAL IMAGE
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

**TOWN OF APPLE VALLEY • INITIAL STUDY & MITIGATED NEGATIVE DECLARATION • COMMERCIAL CENTER
(CONVENIENCE STORE, RETAIL SHOPS & GAS STATION) • NEC CENTRAL RD. & WAALEW RD.**

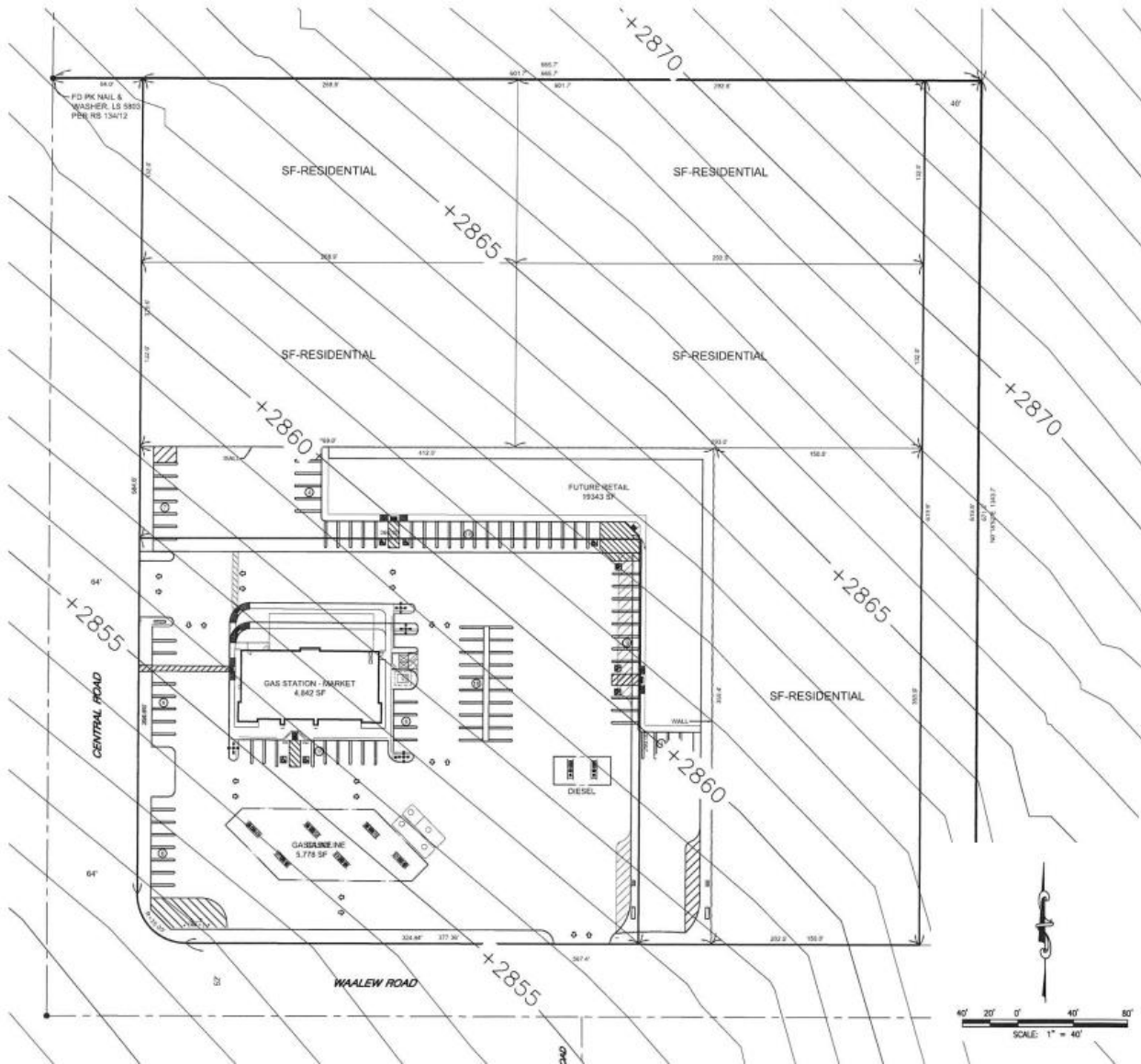
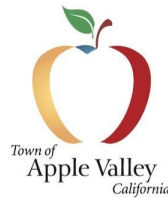


EXHIBIT 2-5 SITE PLAN
SOURCE: MERRELL JOHNSON ENGINEERING, INC.

2.6 DISCRETIONARY ACTIONS

A Discretionary Action is an action taken by a government agency (for this project, the government agency is the Town of Apple Valley) that calls for an exercise of judgment in deciding whether to approve a project. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The following discretionary approvals are required:

- The approval of a *General Plan Amendment (GPA)* and *Zone Change (ZC)* that would permit the proposed commercial use in an R-E zone district;
- The approval of a *Conditional Use Permit* that would permit the sales of alcohol for offsite consumption;
- The approval of a *Special Use Permit* that would permit the operation of a gasoline station; and,
- The approval of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP).



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SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);	Mineral Resources (Section 3.12);
Agricultural & Forestry Resources (Section 3.2);	Noise (Section 3.13);
Air Quality (Section 3.3);	Population & Housing (Section 3.14);
Biological Resources (Section 3.4);	Public Services (Section 3.15);
Cultural Resources (Section 3.5);	Recreation (Section 3.16);
Energy (Section 3.6);	Transportation (Section 3.17);
Geology & Soils (Section 3.7);	Tribal Cultural Resources (Section 3.18);
Greenhouse Gas Emissions; (Section 3.8);	Utilities (Section 3.19);
Hazards & Hazardous Materials (Section 3.9);	Wildfire (Section 3.20); and,
Hydrology & Water Quality (Section 2.39);	Mandatory Findings of Significance (Section 3.21).
Land Use & Planning (Section 3.11);	

3.1 AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect on a scenic vista?			X	
B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
C. Would the project in nonurbanized areas, substantially degraded the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on aesthetics if it results in any of the following:

- The proposed project would have an adverse effect on a scenic vista, except as provided in PRC Sec. 21099.
- The proposed project would have an adverse effect on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- The proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? or,
- The proposed project would, except as provided in Public Resources Code Section 21099, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The evaluation of aesthetics and aesthetic impacts is generally subjective, and it typically requires the identification of key visual features in the area and their importance. The characterization of aesthetic impacts involves establishing the existing visual characteristics including visual resources and scenic vistas that are unique to the area. Visual resources are determined by identifying existing landforms (e.g., topography and grading), views (e.g., scenic resources such as natural features or urban characteristics), and existing light and glare characteristics (e.g., nighttime illumination). Changes to the existing aesthetic environment associated with the proposed project’s implementation are identified and *qualitatively* evaluated based on the proposed modifications to the existing setting and the viewers’ sensitivity. The project-related impacts are then compared to the context of the existing setting, using the threshold criteria discussed above.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect on a scenic vista? • Less than Significant Impact*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The larger project site that includes both the commercial and residential components consists of 9.8-acres that is largely vacant though it had been disturbed.

The site's elevation is approximately 2,874 feet above mean sea level (AMSL) in the site's northeast corner to 2,850 feet AMSL in the southeast corner. The proposed overall area within the site is generally level with a 25-foot gradient trending towards the southeast. The southern portion of the site has been graded. Utility lines extend along the site's Waalew Road frontage. The remainder of the site is occupied by creosote scrub (*Larrea tridentata*). The property is currently zoned as R-E (Residential – Estate). Land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.²⁰
- *East of the project site:* Vacant, undisturbed land is located to the east of the project site. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.²¹
- *South of the project site:* Waalew Road extends along the project site's south side. A single-family residence is located further south, on the south side of the aforementioned roadway. This area is zoned as R-EQ (Residential Single-Family Equestrian) in the Town of Apple Valley Zoning Map.²²
- *West of the project site:* Central Road extends along the project site's west side. A single-family residence is located further west, to the west of the aforementioned roadway. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.²³

The dominant scenic views from the project site include the views of the San Bernardino and San Gabriel Mountains, located 20 miles south, southwest, and southeast of the site. The topography of Apple Valley gradually inclines towards the Juniper Flats foothills of the San Bernardino Mountains to the south, as well as to the scattered knolls and mountains to the north and east of the Town. Turtle and Black Mountains are located to the north of the Town. From these elevated topographical features, panoramic vistas exist across Apple Valley. Landscaping would total 4,800 square feet. Hardscape and other impervious surfaces would

²⁰ Google Maps and Town of Apple Valley Zoning Map. Website accessed on December 20, 2022.

²¹ Ibid.

²² Ibid.

²³ Ibid.

total 141,126 square feet. The proposed project's building lot coverage would be 23%. The proposed project would involve the construction and operation commercial center consisting of retail, a market, and a gasoline station. The new buildings would consist of a single level. The proposed project would be required to conform to all pertinent development and design standards of the Town of Apple Valley Municipal Code. Views from the mountains would not be obstructed. Once operational, views of the aforementioned mountains would continue to be visible from the public right-of-way. *As a result, the impacts would be less than significant.*

B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.

According to the California Department of Transportation, none of the streets located adjacent to the proposed project site are designated scenic highways and there are no state or county designated scenic highways in the vicinity of the project site.²⁴ The nearest significant roadway in the Town is the former "Route 66" located approximately 1.29 miles to the west of the site. One of the original federal routes, Route 66 or Will Rogers Highway was established in 1926. As a major migratory path west, especially during the Dust Bowl of the 1930s, it supported the economies of the communities through which it passed. This route was officially decommissioned after the interstate freeways began to define this country's surface transportation and segments of this route that were not replaced by interstate freeway alignments were designated as national scenic byways and renamed "Historic Route 66." Today, from the southern limit of the Town of Apple Valley, the Historic Route 66 follows the current alignment of I-15 to the freeway's interchange with Palmdale Road (SR-18)/7th Street. North of this interchange, Historic Route 66 follows the alignment of 7th Street to D Street continuing northeast on D Street it follows the National Trails Highway alignment into the community of Oro Grande on the north-western edge of the Town.²⁵ The nearest other highways that are eligible for designation as a scenic highways include SR-2 (from SR-210 to SR-138), located 26 miles southwest of the Town; SR-58 (from SR-14 to I-15), located 26.6 miles north of the Town; SR-138 (from SR-2 to SR-18), located 19.6 miles south of the Town; SR-173 (from SR-138 to SR-18), located 15.9 miles southwest of the Town; and SR-247 (from SR-62 to I-15), located 11 miles east of the Town. Additionally, the proposed site does not contain any sensitive habitats. Lastly, the project site does not contain any buildings listed in the State or National registry. *As a result, no impacts would occur.*

C. Would the project in nonurbanized areas, substantially degraded the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? • No Impact

There are no protected views in the vicinity of the project site and the Town does not contain any designated or protected scenic vistas.²⁶ In addition, the project would conform to the Town's development and design standards. *As a result, no impacts would occur.*

D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? • Less than Significant Impact.

²⁴ California Department of Transportation. *Official Designated Scenic Highways.*

²⁵ Town of Apple Valley, *Town of Apple Valley General Plan 2030, Circulation Element.* October 21, 2008

²⁶ Town of Apple Valley, City of. *Town of Apple Valley General Plan 2030, Land Use Element.* October 21, 2008

The proposed project would be subject to review by Town staff to ensure compliance with General Plan dark sky and lighting policies, as well as Development Code standards and requirements that are designed to control light spillage and preserve night skies. The Town has also established development performance standards for exterior lighting in Chapter 9.70.020 of the Town's Municipal Code and these requirements would be enforced to reduce lighting and glare impacts. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis of aesthetics indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.2 AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?				×
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				×
C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				×
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				×
E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?				×

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on agriculture and forestry resources if it results in any of the following:

- The proposed project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- The proposed project would conflict with existing zoning for agricultural use, or a Williamson Act contract.
- The proposed project would conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
- The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.
- The proposed project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to track changes in agricultural land use and to help preserve areas of Important

Farmland. It divides the state's land into eight categories of land use designation based on soil quality and existing agriculture uses to produce maps and statistical data. These maps and data are used to help preserve productive farmland and to analyze impacts on farmland. Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are all Important Farmland and are collectively referred to as Important Farmland in this analysis. The highest rated Important Farmland is Prime Farmland. The California Land Conservation Act of 1965, or the Williamson Act, allows a city or county governments to preserve agricultural land or open space through contracts with landowners. The County has areas that are currently agriculture preserves under contract with San Bernardino County through the Williamson Act of 1965. Contracts last 10 years and are automatically renewed unless a notice of nonrenewal is issued. The proposed project site is located within an area designated as “grazing land” (refer to Exhibit 3-1). Grazing land is technically open space land that is disturbed by animal husbandry activities.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses? • No Impact.

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed. The proposed overall area within the site is generally level with a 25-foot gradient trending towards the southeast. The southern portion of the site has been graded. Utility lines extend along the site's Waalew Road frontage. The remainder of the site is occupied by creosote scrub (*Larrea tridentata*). According to the California Department of Conservation, the project site does not contain any areas of Farmland of Statewide Importance, and no agricultural uses are located onsite or adjacent to the property as shown in Exhibit 3-1. The land has not been used for agriculture and its use as such is not feasible due to water restrictions. The proposed project site is located within an area designated as “grazing land” (refer to Exhibit 3-1). Grazing land is technically open space land that is disturbed by animal husbandry activities. The implementation of the proposed project would not involve the conversion of any prime farmland, unique farmland, or farmland of statewide importance to urban uses. *As a result, no impacts would occur.*

B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract? • No Impact.

The proposed project site is located on a 10-acre property that is largely vacant though it had been disturbed. The southern portion of the site has been graded. Utility lines extend along the site's Waalew Road frontage. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is

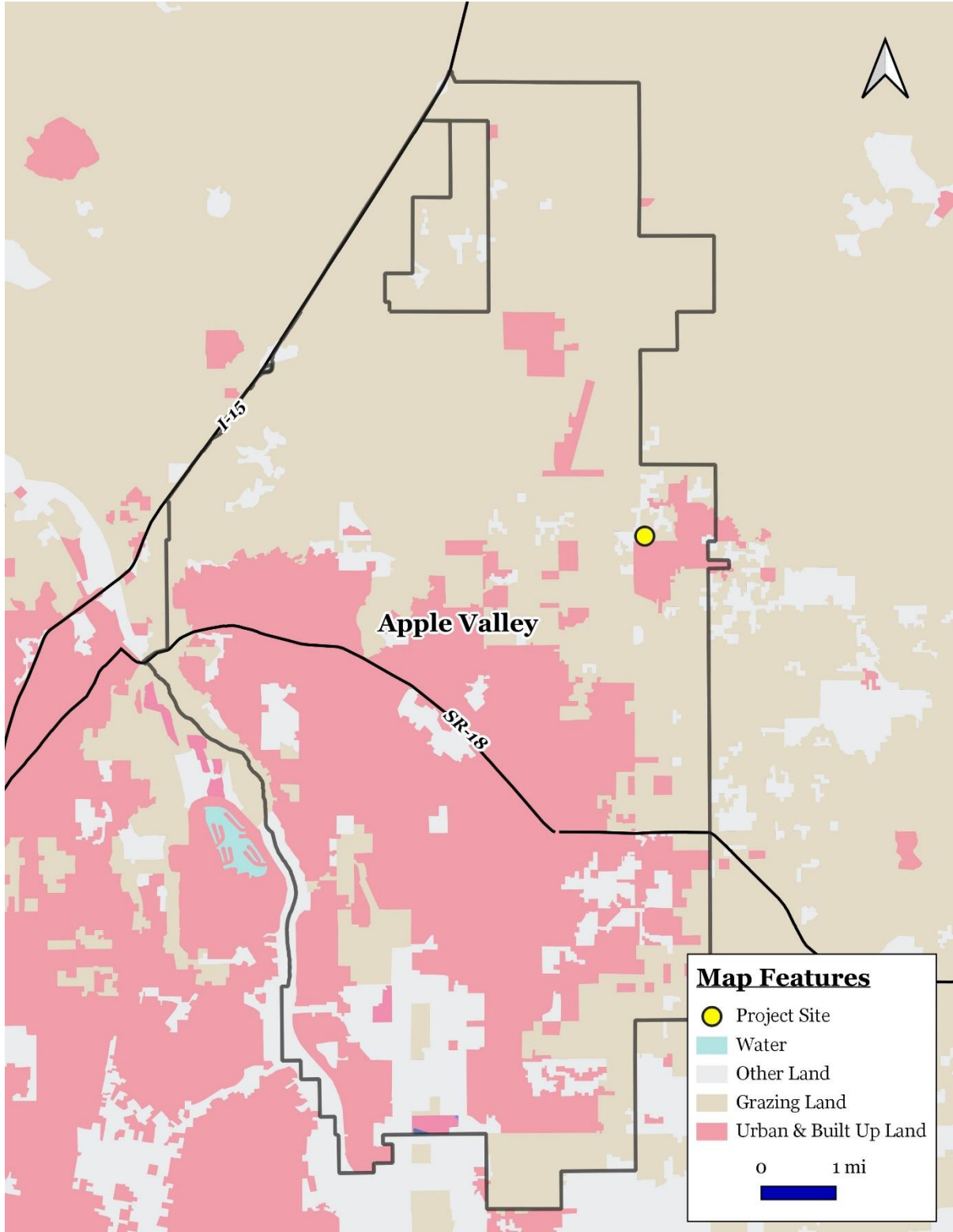


EXHIBIT 3-1 AGRICULTURAL MAP

SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

Estate Residential. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The site has not been used for farming or agricultural production. The remainder of the site is occupied by creosote scrub (*Larrea tridentata*). According to the California Department of Conservation Division of Land Resource Protection, the project site is not subject to a Williamson Act Contract. *As a result, no impacts would occur.*

C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? • *No Impact.*

The proposed project site is located on a 9.98-acre property that is largely vacant though it had been disturbed. The southern portion of the site has been graded. Utility lines extend along the site's Waalew Road frontage. The remainder of the site is occupied by creosote scrub (*Larrea tridentata*). There are no forest lands or timberlands located within or adjacent to the site. Furthermore, the site's existing zoning designation does not contemplate forest land or timberland uses. The proposed project's implementation would require both a General Plan Amendment and Zone Change to permit the uses envisioned as part of the proposed project's implementation. The site has not been used for farming or agricultural production. *As a result, no impacts would occur.*

D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use? • *No Impact.*

No forest lands are located within the project site. The proposed use would be restricted to the site and would not affect any land under the jurisdiction of the Bureau of Land Management (BLM). No loss or conversion of forest lands to urban uses would result from the proposed project's implementation. *As a result, no impacts would occur.*

E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use? • *No Impact.*

The project would not involve loss of farmland to a nonagricultural use or conversion of forest land to non-forest use because the project site significant farmland or forest land activities. No farmland conversion impacts will occur with the implementation of the proposed project. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.3 AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?				✗
B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?		✗		
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			✗	
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✗	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on air quality if it results in any of the following:

- The proposed project would conflict with or obstruct implementation of the applicable air quality plan.
- The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
- The proposed project would expose sensitive receptors to substantial pollutant concentrations.
- The proposed project would result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

The Mojave Desert Air Quality Management District (MDAQMD) has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the criteria pollutants listed below. Projects in the Mojave Desert Air Basin (MDAB) generating construction and operational-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- *Ozone (O₃)* is a nearly colorless gas that irritates the lungs, and damages materials and vegetation. Ozone is formed a by a photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon Monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust. The threshold is 548 pounds per day of carbon monoxide (CO).
- *Nitrogen Oxide (NO_x)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO_x is formed when nitric oxide (a pollutant from burning processes) combines with oxygen. The daily threshold is 137 pounds per day of nitrogen oxide (NO_x).

- *Sulfur Dioxide (SO₂)* is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms. The daily threshold is 137 pounds per day of sulfur oxides (SO_x).
- *PM₁₀ and PM_{2.5}* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation. The daily threshold is 82 pounds per day of PM₁₀ and 65 pounds per day of PM_{2.5}.
- *Reactive Organic Gasses (ROG)* refers to organic chemicals that, with the interaction of sunlight photochemical reactions may lead to the creation of “smog.” The daily threshold is 137 pounds per day of ROG.

In addition, the MDAQMD indicates that there is a potentially significant impact if a project would result in a substantial pollutant concentration that would result in a cancer risk equal to or exceeding 10 in one million or having a hazard Index (HI) that is greater than or equal to 1.0.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with or obstruct implementation of the applicable air quality plan? • No Impact.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project’s implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site’s Zoning designation is R-E (Residential Estate) and the site’s General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the MDAQMP growth projections since the RTP/SCS forms the basis of the land use and transportation control portions of the MDAQMP. According to the Growth Forecast Appendix prepared by SCAG for the 2016-2045 RTP/SCS, the Town of Apple Valley employment would increase from 41,200 in 2016 to 61,200 in 2045, an increase of 20,000 new employees through the year 2045.²⁷ The proposed retail use is anticipated to employ approximately 56 persons. This employment rate figure assumes one new job for every 432 square feet of floor area.²⁸ The proposed project’s employment would be significantly less than the employment projections. Therefore, the proposed project would not be in conflict with the growth projections established for Apple Valley by SCAG. The project’s construction

²⁷ Southern California Association of Governments. *Regional Transportation Plan/Sustainable Communities Strategy 2016-2040. Demographics & Growth Forecast.* April 2016.

²⁸ The Natelson Company. *Employment Density Study, Summary Report,*

emissions would be below the thresholds of significance established by the MDAQMD (the project’s daily construction emissions are summarized in Table 3-1). In addition, the proposed project’s long-term (operational) airborne emissions would be below levels that the MDAQMD considers to be a significant impact (refer to Table 3-2). *As a result, no conformity impacts would occur.*

B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? • Less than Significant Impact with Mitigation.

According to the MDAQMD, a project is significant if it triggers or exceeds the daily emissions threshold identified previously and noted at the bottom of Tables 3-1 and 3-2. In general, a project would have the potential for a significant air quality impact if any of the following are met:

- Generates total emissions (direct and indirect) that exceeds the MDAQMD thresholds (the proposed project emissions are less than the thresholds as indicated in Tables 3-1 and 3-2);
- Results in a violation of any ambient air quality standard when added to the local background (the proposed project would not result, in any violation of these standards);
- Does not conform with the applicable attainment or maintenance plan(s) (the proposed project is in conformance with the Town’s Zoning and General Plan); and,
- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1 (the proposed project would not expose sensitive receptors to substantial pollutant concentrations nor is the site located near any sensitive receptors).

The proposed project’s construction and operation would not lead to a violation of the above-mentioned significant thresholds. The air quality computer worksheets for daily construction and operational emissions are included in Appendix A. As shown in Table 3-1, daily construction emissions would not exceed the MDAQMD significance thresholds.

**Table 3-1
Estimated Daily Construction Emissions**

Construction Phase	ROG	NOx	CO	SO2	PM10	PM2.5
Maximum Daily Emissions	13.6	9.74	7.67	0.01	5.78	2.96
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2020.4.0

Long-term emissions refer to those air quality impacts that would occur once the proposed project has been constructed and is operational. These impacts would continue over the operational life of the project. The two main sources of operational emissions include mobile emissions from vehicles and area emissions related to off-site electrical generation. The analysis of long-term operational impacts summarized in Table 3-2 also used the CalEEMod V.2020.4.0 computer model. The analysis summarized in Table 3-2 indicates that the operational (long-term) emissions would be below the MDAQMD daily emissions thresholds.

**Table 3-2
Estimated Operational Emissions in lbs./day**

Emission Source	ROG	NOx	CO	SO2	PM10	PM2.5
Max. Total (lbs./day)	8.80	5.86	34.39	0.05	4.43	1.21
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2020.4.0

The analysis presented in Tables 3-1 and 3-2 reflect projected emissions that are typically higher during the summer months and represent a worse-case scenario. As indicated in Tables 3-1 and 3-2, the impacts are considered to be less than significant. In addition, the MDAQMD Rule Book contains numerous regulations governing various activities undertaken within the district. Among these regulations is Rule 403.2 – Fugitive Dust Control which was adopted in 1996 for the purpose of controlling fugitive dust. Adherence to Rule 403.2 regulations is required for all projects undertaken within the district. All internal roadways and parking areas would be paved. Future construction truck drivers must also adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.³ The following mitigation measures have been incorporated herein to further reduce the potential air quality impacts to levels that are less than significant.

- The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that would be implemented at the project;
- The Applicant shall ensure that signage, compliant with Rule 403 Attachment B, is erected at each project site entrance not later than the commencement of construction.
- The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel would be required to eliminate visible dust/sand from sand/fines deposits.
- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

As a result, the impacts are less than significant with mitigation measures.

C. Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.

According to the MDAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. Sensitive receptors in the vicinity of the project are shown in Exhibit 3-2. For new facilities, the rule requires the facility-wide cancer risk to be less than one in one million at any school or school under construction within 500 feet of the facility. If there are no schools within 500 feet, the same risk levels must be met at any school or school under construction within 500 to 1,000 feet unless there is a residential or sensitive receptor within 150 feet of the facility. The nearest school is the Sycamore Rocks Elementary School located approximately 1.08 miles to the southeast of the project site. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated: any industrial project within 1,000 feet; a distribution center (40 or more trucks per day) within 1,000 feet; a major transportation project within 1,000 feet; a dry cleaner using perchloroethylene within 500 feet; and a gasoline dispensing facility within 300 feet. The nearest sensitive receptors are summarized below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map. The nearest home is located approximately 1,230 feet northeast of the fuel dispensing area.²⁹
- *East of the project site:* Vacant, undisturbed land is located to the east of the project site. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map. The nearest homes are located approximately 2,280 feet from the fuel dispensing area. ³⁰
- *South of the project site:* Waalew Road extends along the project site's south side. A single-family residence is located further south, on the south side of the aforementioned roadway. This area is zoned as R-EQ (Residential Single-Family Equestrian) in the Town of Apple Valley Zoning Map. The nearest home is located approximately 125 feet south of the fuel dispensing area. This neighborhood and the aforementioned residences is separated from the fuel dispensing area by Waalew Road.³¹
- *West of the project site:* Central Road extends along the project site's west side. A single-family residence is located further west, to the west of the aforementioned roadway. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map. The nearest homes are located approximately 325 feet from the fuel dispensing area. ³²

The primary airborne emissions associated with the operation of gasoline stations are volatile organic compounds or VOCs. VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and may be toxic. VOCs often have a odors, and some examples include gasoline, alcohol, and the solvents used in paints. Operational VOC emissions have been analyzed using CalEEMod analysis software and methodology and are based on the default assumptions for a convenience store with fueling positions. The operational VOC emissions estimates associated with this

²⁹ Google Maps and Town of Apple Valley Zoning Map. Website accessed on December 20, 2022.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

use are shown on Table 3-2 (as ROG). However, CalEEMod does not specifically calculate storage, transfer, and dispensing fuel. The MDAQMD currently does not have a procedure for estimating VOC emissions from storage, transfer and dispensing of fuel, associated with a fueling station. Estimates for gasoline VOC emissions therefore relies on South Coast Air Quality Management District (SCAQMD) methodology. The storage, transfer and dispensing of gasoline is not expected to generate significant VOC emissions. The enhanced vapor recovery systems required by the MDAQMD Rule 461 (Gasoline Transfer and Dispensers) would substantially reduce VOC emissions and mitigate any potential for the project to exceed the daily emissions thresholds set by MDAQMD.

In 2022, the California Air Resources Board (CARB) released the Gasoline Service Station Industrywide Risk Assessment Technical Guidance report which provides emission factors for loading, breathing, fueling, spillage and hose permeation. According to estimates from the project description, the project would potentially have a fuel throughput of 1,560,000 gallons of fuel per year or 4,274 gallons per day. Based on this throughput estimate, the proposed project is anticipated to emit an additional 5.84 pounds per day of VOC. Thus, the total daily VOC emissions from operational emissions estimated by CalEEMod as well as VOCs from gasoline dispensing would be 14.64 pounds per day (8.80 pounds per day + 5.84 pounds per day), and the result would still be below the 137 pounds per day limit set by MDAQMD. Therefore, the impact of any additional VOCs from the storage, transfer and dispensing of gasoline is considered less than significant. In addition, the MDAQMD indicates that there is a potentially significant impact if a project would result in a substantial pollutant concentration that would result in a cancer risk equal to or exceeding 10 chances in one million or having a hazard Index (HI) that is greater than or equal to 1.0. The proposed project's maximum cancer risk is 4.24 chances per million, the chronic HI is 0.04, and the acute HI is 0.19 which are all well below the thresholds (refer to Appendix B). *As a result, the impacts would be less than significant.*

D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? • Less than Significant Impact.

According to the MDAQMD, there is a potentially significant impact if a project would result in a substantial pollutant concentration that would result in a cancer risk equal to or exceeding 10 chances in one million or having a hazard Index (HI) that is greater than or equal to 1.0. The proposed project's maximum cancer risk is 4.24 chances per million, the chronic HI is 0.04, and the acute HI is 0.19 which are all well below the thresholds. In addition, construction truck drivers must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes, which helps to reduce exhaust-related odors. Furthermore, the project's contractors must adhere to all pertinent MDAQMD and CARB rules and regulations that govern odors. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The following mitigation measures have been incorporated herein to further reduce the potential air quality impacts to levels that are less than significant.

Air Quality Mitigation Measure No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.

Air Quality Mitigation Measure No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment B, is erected at each project site entrance not later than the commencement of construction.

Air Quality Mitigation Measure No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel would be required to eliminate visible dust/sand from sand/fines deposits.

Air Quality Mitigation Measure No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

Air Quality Mitigation Measure No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

3.4 BIOLOGICAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✘		
B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✘
C. Would the project have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✘
D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✘
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✘
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?				✘

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on biological resources if it results in any of the following:

- The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
- The proposed project would have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- The proposed project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type. Due to loss of habitat, some of these species have been designated by either, or both, the federal and state government resource agencies as threatened or endangered. Species listed as threatened include those whose numbers have dropped to such low levels and/or whose populations are so isolated that the continuation of the species could be jeopardized. Endangered species are those with such limited numbers or subject to such extreme circumstances that they are considered in imminent danger of extinction. Other government agencies and resource organizations also identify sensitive species, those that are naturally rare and that have been locally depleted and put at risk by human activities. While not in imminent danger of jeopardy or extinction, sensitive species are considered vulnerable and can become candidates for future listing as threatened or endangered.

The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

The site is approximately 905 to 910 meters above sea level. The site shows minimal signs of disturbance with native vegetation and some non-native grass species. These species included creosote bush (*Larrea tridentata*), kelch grass (*Schismus barbatus*), white bursage (*Ambrosia dumosa*), flatspine bur ragweed (*Ambrosia acanthicarpa*) and silver cholla (*Cylindropuntia echinocarpa*).

Wildlife species observed during the field investigations consisted of a mainly avian species and a few mammalian species. Mammalian species observed on site include the black-tailed jackrabbit (*Lepus californicus*). Species that were not observed but are expected to occur on site or in the surrounding area include the desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), white-tailed antelope ground squirrel (*Ammospermophilus leucurus*) and coyote (*Canis latrans*) given their widespread distribution throughout the region. Birds observed included common ravens (*Corvus corax*), house finch (*Haemorhous mexicanus*), Western blue bird (*Sialia mexicana*), yellow-rumped warbler (*Setophaga coronata*). No reptiles were observed during the survey due to the temperature and time of day, but those that may occur include desert coast horned lizard (*Phrynosoma blainvillii*), side-blotched lizard (*Uta stansburiana*), and western whiptail lizard (*Cnemidophorus tigris*). In addition, no sensitive habitats (e.g., sensitive species, critical habitats, etc.) have been documented in the immediate area according to the CNDDDB (2022) and none were observed during the field investigations.³³

Meandering transects were walked on the site and in surrounding areas (i.e., the zone of influence) where accessible at a pace that allowed for careful documentation of the plant and animal species present on the site. All plants observed were identified in the field and wildlife was identified through visual observations and/or by vocalizations. Habitat assessments were conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel:

- *Desert Tortoise*: A habitat assessment was conducted on December 28, 2022 for the desert tortoises and a survey was also performed for the presence of any potential tortoise burrows by biologists from RCA Associates, Inc. Ten-meter, parallel belt transects were walked in an eastwest direction until the entire property had been checked for any tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were also conducted in the areas directly adjacent to the property where accessible. Comprehensive field investigations were conducted throughout the site during the biological surveys and no tortoises or tortoise signs were identified on the site or zone of influence.
- *Burrowing Owl*: A habitat assessment (Phase 1) was conducted for the burrowing owl in conjunction with the general biological surveys to determine if the site supports suitable habitat for the species on December 28, 2022. Following completion of the habitat assessment, it was determined that the site does not support suitable habitat for the burrowing owl. This opinion was based on the lack of occupiable burrows. As part of the burrowing owl survey, meandering transects were walked throughout the site during which any suitable burrows were evaluated for owls and owl sign. Burrowing owls typically utilize burrows which have been excavated by other animals (squirrels, coyotes, foxes, dogs, etc.) with a minimum four-inch burrow entrance, since owls rarely dig their own burrows. CDFW protocol also requires surveys be conducted in the surrounding area out to a distance of about 500 feet; therefore, the zone of influence (ZOI) surveys were performed

³³ RCA Associates, Inc. *General Biological Resources Assessments*. Report dated December 2022.

in the area surrounding the site where accessible. If present on a site, CDFW typically requires the owls to be passively relocated during the non-breeding season.

- *Mohave Ground Squirrel*: A habitat assessment was performed for the Mohave ground squirrel as per CDFW protocol including an analysis of the on-site habitat, evaluation of local populations, and assessment of connectivity with habitats in the surrounding area which might support populations of the Mohave ground squirrel. Due to the low population levels and no recent observations in this area of the Mojave Desert, it is the opinion of RCA Associates, Inc. that the likelihood of a Mohave ground squirrel occurring on the proposed project site is extremely low. CDFW may choose to conduct a live-trapping survey to definitively determine the presence/absence of Mohave ground squirrels.

The following are the listed and special status species that have the ability to occur on the project site. It is not a comprehensive list of all the species in the quad. This information has been taken from the California Natural Diversity Database and is using the most current version:

- *Desert Tortoise*: The site is located within the documented tortoise habitat according to CNDDDB (2022) and supports marginal habitat for the desert tortoise based on the field investigations. No tortoises were observed anywhere within the property boundaries or within the zone of influence during the December 28, 2022 surveys. The species is not expected to move onto the site in the near future based on the absence of any sign, absence of suitable burrows, absence of any recent observations in the immediate area, and the presence of roadways in the immediate area which may act as barriers to migration of the tortoises. The protocol survey results are valid for one year as per CDFW and USFWS requirements.
- *Swainson's Hawk*: The Swainson's hawk is a state threatened, slim, medium sized raptor that migrates in flocks. A migratory species, the Swainson's hawk spends the breeding season in North America where it occupies grasslands, farmlands, and open country, and nests in the only trees that may be seen for miles. The site does provide some suitable habitat for the Swainson's hawk for foraging and no suitable habitat for breeding. No Swainson's hawks were observed during the December 28, 2022 field survey but they may be seen flying over the site or in the surrounding area during hunting activities while migrating.
- *Burrowing Owl*: The site is located within documented burrowing owl habitat according to CNDDDB (2022) and does support suitable habitat for the species. No suitable (i.e., occupiable) burrows were observed during the December 2022 field investigations. No owls or owl sign (e.g., white wash, castings etc.) were observed on site or in the zone of influence during the survey. A pre-construction survey may need to be done within 30 days of ground breaking activities.
- *Le Conte's thrasher*: Le Conte's thrashers have not been recently observed in the area according to CNDDDB (2022). Thrashers are not expected to occur on the site due to lack of critical vegetation used by the species, such as saltbush and catclaw acacia. Thrashers may be very infrequent in the area given the low population levels in the region as well as the lack of any recent sightings according to the CNDDDB.³⁴

³⁴ RCA Associates, Inc. *General Biological Resources Assessments*. Report dated December 2022.

There are two species of plants in the Apple Valley North quadrangle, the desert cymopterus and Mojave monkeyflower, which both have a Rare Plant rank of 1B.2. Both species occupy desert scrub habitats with sandy surface substrate, which the property lacks. Therefore, the two species are not expected to occur on the property given the lack of suitable habitat. As of September 22, 2020, the California Department of Fish and Wildlife temporarily listed the western Joshua tree (*Yucca brevifolia*) as an endangered species until a final decision is made in 2023. There were no western Joshua trees observed during the December 2022 field investigation.³⁵

Future development activities include grading the property and removing the vegetation from the 9.98-acre parcel; however, cumulative impacts to the general biological resources (plants and animals) in the surrounding area are expected to be negligible. This assumption is based on the habitat containing similar vegetation to the surrounding areas in the region. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status plant or animal species. As discussed above, the site does not support any desert tortoises. In addition, burrowing owls do not inhabit the site and are not expected to be impacted given the absence of any active burrows. The following mitigation measures should be considered.

- Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.³⁶ a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.³⁷ b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as the projects sites zone of influence.
- A focused plant survey should be considered for all special status plant species that have the potential to occur on the site to be performed during the blooming season (April - June) to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife.
- If any other sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

The impacts would be less than significant with mitigation.

³⁵ RCA Associates, Inc. *General Biological Resources Assessments*. Report dated December 2022.

³⁶ RCA Associates, Inc. *General Biological Resources Assessments*. Report dated December 2022.

³⁷ Ibid.

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • No Impact.

According to the United States Fish and Wildlife Service and the results of the site visits, there are no wetland or migratory bird nesting areas located within the project site.³⁸ The site in its entirety is undeveloped though portions have undergone significant disturbance. In addition, there is no riparian habitat located on-site or in the surrounding areas.³⁹ No offsite wetland or migratory bird nesting areas would be affected by the proposed development since all development would be confined to the project site. *As a result, no impacts would occur.*

C. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • No Impact.

No wetland areas or riparian habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.⁴⁰ The site in its entirety is undeveloped though portions have been heavily disturbed. *As a result, no impacts are anticipated.*

D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? • No Impact.

The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The site's utility as a habitat and a migration corridor is constrained by the presence of three nearby Interstate Freeway, local roadways, and fencing. Additionally, there was little to no evidence of any native resident or migratory fish or wildlife species present within the project site. *As a result, no impacts are anticipated.*

E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • No Impact.

Joshua Trees are protected under Chapter 9.76 of the Town of Apple Valley's Municipal Code. As a result, an Incidental Take Permit (ITP) must be granted by the CDFW for the removal or modification of any Joshua Trees. Joshua trees occur throughout the Mojave Desert in Southern California and are typically found at an elevation of 1,200 to 5,400 feet. There are no Joshua trees located on the property. *As a result, no impacts would result.*

³⁸ United States Fish and Wildlife Service. *National Wetlands Inventory*.

³⁹ RCA Associates, Inc. *General Biological Resources Assessments*. Report dated December 2022.

⁴⁰ RCA Associates, Inc. *General Biological Resources Assessments*. Report dated August 13, 2022.

F. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

- *No Impact.*

The proposed project's implementation would not be in conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

The following mitigation measures should be considered.

- *Biological Resources Mitigation Measure No.1* Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.⁴¹ a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.⁴² b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as the projects sites zone of influence.⁴³
- *Biological Resources Mitigation Measure No. 2.* A focused plant survey should be considered for all special status plant species that have the potential to occur on the site to be performed during the blooming season (April - June) to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife.
- *Biological Resources Mitigation Measure No. 3.* If any other sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the "take" of any sensitive species and can approve the implementation of any applicable mitigation measures.

⁴¹ RCA Associates, Inc. *General Biological Resources Assessments*. Report dated August 13, 2022.

⁴² Ibid.

⁴³ Ibid.

3.5 CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause substantial adverse change in the significance of a historical resource pursuant to §15064.5?				×
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		×		
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			×	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on cultural resources if it results in any of the following:

- The proposed project would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.
- The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.
- The proposed project would disturb any human remains, including those interred outside of formal cemeteries.

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a property’s significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Specific criteria include the following:

- Districts, sites, buildings, structures, and objects that are associated with the lives of significant persons in or past;
- Districts, sites, buildings, structures, and objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- Districts, sites, buildings, structures, and objects that have yielded or may be likely to yield, information important in history or prehistory.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. However, such properties would qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- Districts, sites, buildings, structures, and objects that are associated with events that have made a significant contribution to the broad patterns of our history;
- A building or structure removed from its original location that is significant for architectural value, or which is the surviving structure is associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- A property achieving significance within the past 50 years if it is of exceptional importance.⁴⁴

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? • No Impact.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

Mr. Brunzell from BCR Consulting completed an archaeological records search using SCCIC records of California State University, Fullerton for the current project. This archival research reviewed the status of

⁴⁴ U. S. Department of the Interior, National Park Service. National Register of Historic Places. <http://nrhp.focus.nps.gov>. 2010.

all recorded historic and prehistoric cultural resources, and survey and excavation reports completed within the project site boundaries and within a 0.5-mile radius of it. Additional resources reviewed included the National Register of Historic Places (National Register), the California Register, the Built Environmental Resource Directory (BERD), and documents and inventories published by the California Office of Historic Preservation. These include the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures. An intensive-level cultural resources field survey of the project site was conducted on December 23, 2022. The survey was conducted by walking parallel transects spaced approximately 15 meters apart across the project site. Sediment consisted of a yellowish brown, dry, semi-loose sandy silt with minimal fine-grained gravel. Vegetation consisted of fresh seasonal grasses and creosote scrubland. Digital photographs were taken at various points within the project site.⁴⁵

Data from the South Central Coastal Information Center (SCCIC) revealed that one previous cultural resource study has taken place, and one cultural resource has been identified within the 0.5-mile research radius. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. During the field survey, BCR Consulting archaeologists identified no cultural resources (including historic-period or prehistoric archaeological sites, or historic-period architectural resources) of any kind within the project site boundaries. The project has been subject to significant artificial disturbances associated with offroad vehicle use. Vegetation consisted of creosote scrubland and afforded surface visibility of approximately 90 percent. Surficial sediments observed were chiefly composed of dry, yellowish-brown sandy silt, with relatively low levels of gravel.

BCR Consulting conducted a cultural resources assessment of the Central and Waalew Project in the Town of Apple Valley, San Bernardino County, California. No cultural resources of any kind (including historic-period or prehistoric archaeological resources, or historic-period architectural resources) were identified. Therefore, no significant impact related to historical resources is anticipated and no further investigations are recommended unless the proposed project is changed to include areas that have not been subject to this cultural resource assessment or cultural materials are encountered during project activities.

The current study attempted to determine whether significant archaeological deposits were present on the proposed project site. Although none were yielded during the records search and field survey, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface. Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register of Historic Places (National Register), plans for the treatment, evaluation, and mitigation of impacts to the find would need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:

- Historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;

⁴⁵ BCR Consulting, LLC. *Central and Waalew Project Cultural Resources Assessment*. January 18, 2022.

- Historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
- Prehistoric flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and or cryptocrystalline silicates;
- Groundstone artifacts, including mortars, pestles, and grinding slabs;
- Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire affected rocks;
- Human remains.

Findings were negative during the Sacred Lands File search with the NAHC (see Appendix A). The Town will initiate Assembly Bill (AB) 52 Native American Consultation for the project. Since the Town will initiate and carry out the required Native American Consultation, the results of the consultation are not provided in this report. However, this report may be used during the consultation process, and BCR Consulting staff is available to answer questions and address concerns as necessary. According to CEQA Guidelines, projects subject to CEQA must determine whether the project would “directly or indirectly destroy a unique paleontological resource”. The Paleontological Overview from the Western Science Center is pending. If human remains are encountered during any project activities, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner would notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery.⁴⁶ The MLD shall complete the inspection within 48 hours of notification by the NAHC. *As a result, no impacts would result.*

B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? • Less than Significant Impact with Mitigation.*

Data from the South Central Coastal Information Center (SCCIC) revealed that one previous cultural resource study has taken place, and one cultural resource has been identified within the 0.5-mile research radius. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. During the field survey, BCR Consulting archaeologists identified no cultural resources (including historic-period or prehistoric archaeological sites, or historic-period architectural resources) of any kind within the project site boundaries. The project has been subject to significant artificial disturbances associated with offroad vehicle use. Vegetation consisted of creosote scrubland and afforded surface visibility of approximately 90 percent. Surficial sediments observed were chiefly composed of dry, yellowish-brown sandy silt, with relatively low levels of gravel.

BCR Consulting conducted a cultural resources assessment of the Central and Waalew Project in the Town of Apple Valley, San Bernardino County, California. No cultural resources of any kind (including historic-period or prehistoric archaeological resources, or historic-period architectural resources) were identified. Therefore, no significant impact related to historical resources is anticipated and no further investigations

⁴⁶ BCR Consulting, LLC. *Central and Waalew Project Cultural Resources Assessment*. January 18, 2022.

are recommended unless the proposed project is changed to include areas that have not been subject to this cultural resource assessment or Cultural materials are encountered during project activities.

Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to the following mitigation measures:

- Prior to the issuance of a grading permit, the Applicant shall provide evidence to the Town of Apple Valley that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.
- The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.
- Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.
- A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the Town of Apple Valley prior to building final.
- Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find should cease and a qualified archaeologist/paleontologists must be retrained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist finds that any cultural resources present meet eligibility requirements for listing on the California register or the national register of historic places (national register), plans for the treatments, evaluation, and mitigation of impacts to the find would need to be developed.

Adherence to the aforementioned mitigation measures would reduce the impacts to levels that are less than significant.

C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries? • Less than Significant Impact.

There are no dedicated cemeteries located in the vicinity of the project site. The proposed project would be restricted to the project site and therefore would not affect any dedicated cemeteries in the vicinity. Notwithstanding, the following mitigation is mandated by the California Code of Regulations (CCR) Section 15064.5(b)(4):

“A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of a historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.”

Additionally, Section 5097.98 of the Public Resources Code states:

“In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with (b) Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning the investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.”

Adherence to the aforementioned standard condition would be required in the event human burials are encountered during grading. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The following mitigation measures would be required to address potential cultural resources impacts:

Cultural Resources Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the Town of Apple Valley that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.

Cultural Resources Mitigation Measure No. 2. The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.

Cultural Resources Mitigation Measure No. 3. Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.

Cultural Resources Mitigation Measure No. 4. A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the Town of Apple Valley prior to building final.

Cultural Resources Mitigation Measure No. 5. Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find should cease and a qualified archaeologist/paleontologists must be retrained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist finds that any cultural resources present meet eligibility requirements for listing on the California register or the national register of historic places (national register), plans for the treatments, evaluation, and mitigation of impacts to the find would need to be developed.

3.6 ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			✘	
B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✘	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on energy resources if it results in any of the following:

- The proposed project would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during the proposed project's construction or operation.
- The proposed project would conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Energy and natural gas consumption were estimated using default energy intensities by building type in CalEEMod. In addition, it was assumed the new buildings would be constructed pursuant to the 2022 CALGreen standards, which was considered in the CalEEMod inputs.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? • Less than Significant Impact.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain

Residential-Estate. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

Southern California Edison (SCE) provides electricity to the project site. Currently, the existing site is vacant and does not use electricity. Therefore, the proposed project would cause a permanent increase in demand for electricity when compared to existing conditions. The increased demand is expected to be sufficiently served by the existing SCE electrical facilities. According to the worksheets provided in Appendix B, the proposed project is anticipated to consume 479,245 kWh on a yearly basis. The proposed project is located within the service area of the Southwest Gas Company.

During construction, the proposed project would consume energy related to the use of fuels used to power construction vehicles and other energy-consuming equipment that would be used during site clearing, grading, and construction. Energy consumed during construction would be temporary in nature and would not present a significant demand on energy resources. The proposed project would be constructed pursuant to the 2022 energy standards of Title 24. Construction equipment greater than 150 horsepower (hp), is also required to comply with the Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer’s specifications. For engines from 175 to less than 750 hp, the Tier 4 Final regulations took effect on January 1, 2014. For engines from 49 to less than 75 hp, it took effect on January 1, 2013. Finally, for engines from 75 to less than 175 hp, Tier 4 the Tier 4 regulations took effect on January 1, 2015. In addition, the project would be required to comply with the California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. Therefore, no significant impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction are anticipated and no mitigation measures are recommended.

The project site is currently vacant and has no demand on natural gas. Therefore, the development of the proposed project would create a permanent increase in the demand for natural gas. According to the worksheets provided in Appendix B, the proposed project is anticipated to consume 86,870 cubic feet of natural gas per year. As indicated in Table 3-3 indicates the proposed project’s daily natural gas and electrical consumption.

**Table 3-3
Proposed Project’s Energy Consumption**

Energy Type	Daily Energy Consumption
Electrical Consumption	1,313 kWh/day
Natural Gas Consumption	238 cubic ft./day

Source: Blodgett Baylosis Environmental Planning

The proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy. No significant adverse impacts are identified or anticipated and no mitigation is recommended. *As a result, the impacts would be less than significant.*

B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? • Less Than Significant Impact.

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code) which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project as well as any future development within the remainder of the project site would be required to conform to all pertinent energy conservation requirements. While the proposed project is a privately owned commercial use, the implementation of similar programs would prove effective in reducing potential energy consumption. The proposed project would be required to comply with all pertinent Title 24 requirements along with other Low Impact Development (LID) requirements. In addition, the proposed project would be in conformance with Town of Apple Valley's Climate Action Plan and Resource Element: Energy Conservation of the Town's General Plan. Both of these plans support energy conservation energy policies related to energy consumption and GHG emissions. These policies include the following:

- *Policy ND-12.* Building and site plan designs shall ensure that the project energy efficiencies meet applicable California Title 24 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the applicant and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this measure provided that the total increase in efficiency meets or exceeds Title 24 standards:
 - Buildings shall meet or exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
 - Increase in insulation such that heat transfer and thermal bridging is minimized.
 - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
 - Incorporate dual-paned or other energy efficient windows.
 - Incorporate energy efficient space heating and cooling equipment.
 - Incorporate the use of tankless water heaters in all residential units and community buildings.
 - Promote building design that would incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, "eyebrow" shades and shade trees shall be considered.
 - Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.
 - To the extent that they are compatible with landscaping guidelines established by the Town, shade producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.
 - Paint and surface color palette for the project shall emphasize light and off-white colors which would reflect heat away from the buildings.

- All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, and wind energy systems on properties greater than 2 acres, appropriate to their architectural design.
- Consideration shall be given to using LED lighting for all outdoor uses (i.e., buildings, pathways, landscaping, carports).
- *Policy ND-13.* For residential projects, implement Green Building practices and document GHG reduction.
- *Policy ND-14.* Use passive solar design by orienting buildings and incorporating landscaping to maximize passive solar heating during the winter and minimize solar heating during the summer.
- *Policy ND-15.* To reduce energy demand associated with potable water conveyance:
 - Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
 - For residential uses, limit turf areas to no more than 25% of all landscaped areas. Encourage limiting turf areas to no more than 20% for added water/energy savings. Turf is prohibited in public rights-of-way, including parkways, and in non-residential uses with the exception of Special Landscaping Areas. (Town Municipal Code Chapter 9.75 Water Conservation/Landscaping).
 - Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
 - U.S. EPA Certified *WaterSense* labeled or equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.
 - Consider use of artificial turf.
- *Policy ND-16.* Install Energy Star appliances and energy efficient fixtures.
- *Policy ND-17.* Install all CFL or LED light bulbs.
- *Policy ND-18.* Install common area electric vehicle charging station(s) and secure bicycle racks.

The proposed project's plans support energy conservation energy consumption and GHG emissions to become a more sustainable community and to meet the goals of AB 32. As a result, the potential impacts would be less than significant.

MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant impacts on energy. As a result, no mitigation would be required.

3.7 GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			✗	
i). Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42.				✗
ii). Would the project, directly or indirectly cause strong seismic ground shaking?			✗	
iii). Would the project, directly or indirectly cause seismic-related ground failure, including liquefaction.				✗
iv). Would the project, directly or indirectly cause landslides?				✗
B. Would the project result in substantial soil erosion or the loss of topsoil?			✗	
C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✗	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✗	
E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				✗
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✗		

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on geology and soils if it results in any of the following:

- The proposed project would, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42); strong seismic ground shaking; seismic-related ground failure, including liquefaction; and, landslides?
- The proposed project would result in substantial soil erosion or the loss of topsoil.

- The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- The proposed project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- The proposed project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- The proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The proposed project's potential seismic and soils risk was evaluated in terms of the site's proximity to earthquake faults and unstable soils.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving? • Less than Significant Impact.

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

The Town of Apple Valley is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from the epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. Other potential seismic issues include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. The project site is not located in a moderate liquefaction zone.⁴⁷ According to the United States

⁴⁷ San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan* - July 13, 2017.

Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. The risk for liquefaction is no greater on-site than it is for the region. *As a result, the impacts would be less than significant.*

i. Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42. • No Impact

The Town of Apple Valley is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of Conservation website. The Town of Apple Valley is not on the list.⁴⁸ The nearest fault to the project site is the Helendale Fault, which is located approximately 18 miles northeast of the Town as shown in Exhibit 3-2.⁴⁹ *As a result, no impacts would occur.*

ii. Would the project, directly or indirectly cause strong seismic ground shaking? • Less than Significant Impact

The effects of ground motion on structures are difficult to predict and depend on a variety of factors including the intensity of the quake, the distance from the epicenter to the site, the composition of soils and bedrock, building design, and other building characteristics. Based on these factors, ground shaking can result in minimal to significant damage. In general, peak ground accelerations and seismic intensity values decrease with increasing distance from the earthquake. Local conditions, such as soft soils, shallow ground water, and the presence of ridge tops, could amplify the effects of seismic waves and result in higher localized accelerations. The Uniform Building Code, California Building Code, and Unreinforced Masonry Law are the primary tools used by agencies to ensure seismic safety in structures. Seismic activity could also result in significant damage to smaller structures.

The Town requires all new buildings to utilize reinforced masonry, as well as comply with the Uniform Building Code (UBC), which is expected to enable structures to resist major earthquakes without collapsing, although structural damage could occur. Unreinforced masonry buildings within the Town have been retrofitted in compliance with state law. The concerns with respect to unreinforced masonry would not apply to the proposed new development. The new structure would consist of a single level and would not be susceptible to strong ground motion. The new development would also be required to conform to the most current Building Code requirements. The installation of the USTs include earth moving activities during construction that would produce insignificant ground shaking. *As a result, the impacts would be less than significant.*

⁴⁸ California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.*

⁴⁹ California Department of Conservation. *The Helendale Fault.*

http://gwm.conservacion.ca.gov/SHP/EZRIM/Reports/FER/262/262_Report_20160610.pdf.

iii. Would the project, directly or indirectly cause seismic-related ground failure, including liquefaction
•No Impact

According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. The risk for liquefaction is no greater on-site than it is for the region. The project site is not located within a liquefaction zone.⁵⁰ *As a result, no impacts would occur.*

iv. Would the project, directly or indirectly cause landslides? •No Impact

According to the United States Geological Survey, a landslide is defined as the movement of a mass of rock, debris, or earth down a slope. The project site is level with little to no slope. No landslides would result. *As a result, no impacts would occur.*

B. Would the project result in substantial soil erosion or the loss of topsoil? • Less than Significant Impact.

The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that underlie the project site. According to the University of California, Davis SoilWeb database, the property is underlain by soils of the Helendale, Lavic, Cajon, and Cave soils association.⁵¹ The proposed project's contractors would be required to adhere to specific requirements that govern wind and water erosion during site preparation and construction activities. Following development, a large portion of the project site would be paved over and landscaped. The project's construction would not result in soil erosion with adherence to those development requirements that restrict stormwater runoff (and the resulting erosion) and require soil stabilization. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program.

Prior to initiating construction, contractors must obtain coverage under an NPDES permit, which is administered by the State. In order to obtain an NPDES permit, the project Applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP). Both of these requirements are identified as mitigation measures. The County has identified sample construction Best Management Practices (BMPs) that may be included in the mandatory SWPPP. The use of these construction BMPs identified in the mandatory SWPPP will prevent soil erosion and the discharge of sediment into the local storm drains during the project's construction phase. *As a result, the impacts would be less than significant.*

C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? • Less than Significant Impact.

⁵⁰ San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan* - July 13, 2017.

⁵¹ UC Davis. *SoilWeb*. Website accessed November 22, 2022.

The proposed project's construction would not result in soil erosion since the project's contractors must implement the construction BMPs identified in the mandatory SWPPP. The BMPs would minimize soil erosion and the discharge of sediment off-site. Additionally, the project site is not located within an area that could be subject to landslides or liquefaction.⁵² The soils that underlie the project site possess a low potential for shrinking and swelling. Soils that exhibit certain shrink-swell characteristics become sticky when wet and expand according to the moisture content present at the time. Since the soils have a low shrink-swell potential, lateral spreading resulting from an influx of groundwater is slim. The likelihood of lateral spreading would be further reduced since the project's implementation would not require grading and excavation that would extend to depths required to encounter groundwater. Moreover, the project would not result in the direct extraction of groundwater. *As a result, the impacts would be less than significant.*

D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? • Less than Significant Impact.

The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that underlie the project site. According to the University of California, Davis SoilWeb database, the property is underlain by soils of Helendale, Lavic, Cajon, and Cave soils association.⁵³ According to the U.S. Department of Agriculture, these soils are acceptable for the development of smaller commercial buildings.⁵⁴ The applicant is required to adhere to all requirements detailed by the USDA. *As a result, the impacts would be less than significant.*

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? • No Impact.

The proposed project would connect to the Town's sanitary sewer system and no septic tank systems would be used. *As a result, no impacts would result.*

F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? • Less than Significant Impact with Mitigation.

The surface deposits in the vicinity of the proposed project area are composed entirely of younger Quaternary Alluvium. This younger Quaternary Alluvium is unlikely to contain significant vertebrate fossils, at least in the uppermost layers. The closest fossil vertebrate locality is LACM 7786, between Town of Apple Valley and the former George Air Force Base. This locality produced a fossil specimen of meadow vole, *Microtus*. The next closest vertebrate fossil locality from these deposits is LACM 1219, west of Spring Valley Lake, which produced a specimen of fossil camel, *Camelops*. Additionally, on the western side of the Mojave River below the bluffs, an otherwise unrecorded specimen of mammoth was collected in 1961 from older Quaternary Alluvium deposits. Two mitigation measures (Mitigation Measure 1 and Mitigation Measure 2) included in Section 3.5, would also address the potential for the discovery of

⁵² United States Department of Agriculture. Natural Resources Conservation Service. Website accessed November 22, 2022.

⁵³ UC Davis. *SoilWeb*. Website accessed November 22, 2022.

⁵⁴ United States Department of Agriculture. Natural Resources Conservation Service. Website accessed November 22, 2022.

paleontological resources that may be encountered during ground disturbance. These measures are also identified below:

- Prior to the issuance of a grading permit, the Applicant shall provide evidence to the Town of Apple Valley that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.
- The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.

As a result, the impacts would be less than significant with mitigation.

MITIGATION MEASURES

The analysis determined that the proposed project would require the following mitigation measures to ensure the appropriate protocols are adhered to address potential paleontological resources impacts.

Geology & Soils Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the Town of Apple Valley that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.

Geology & Soils Mitigation Measure No. 2. The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow the removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.

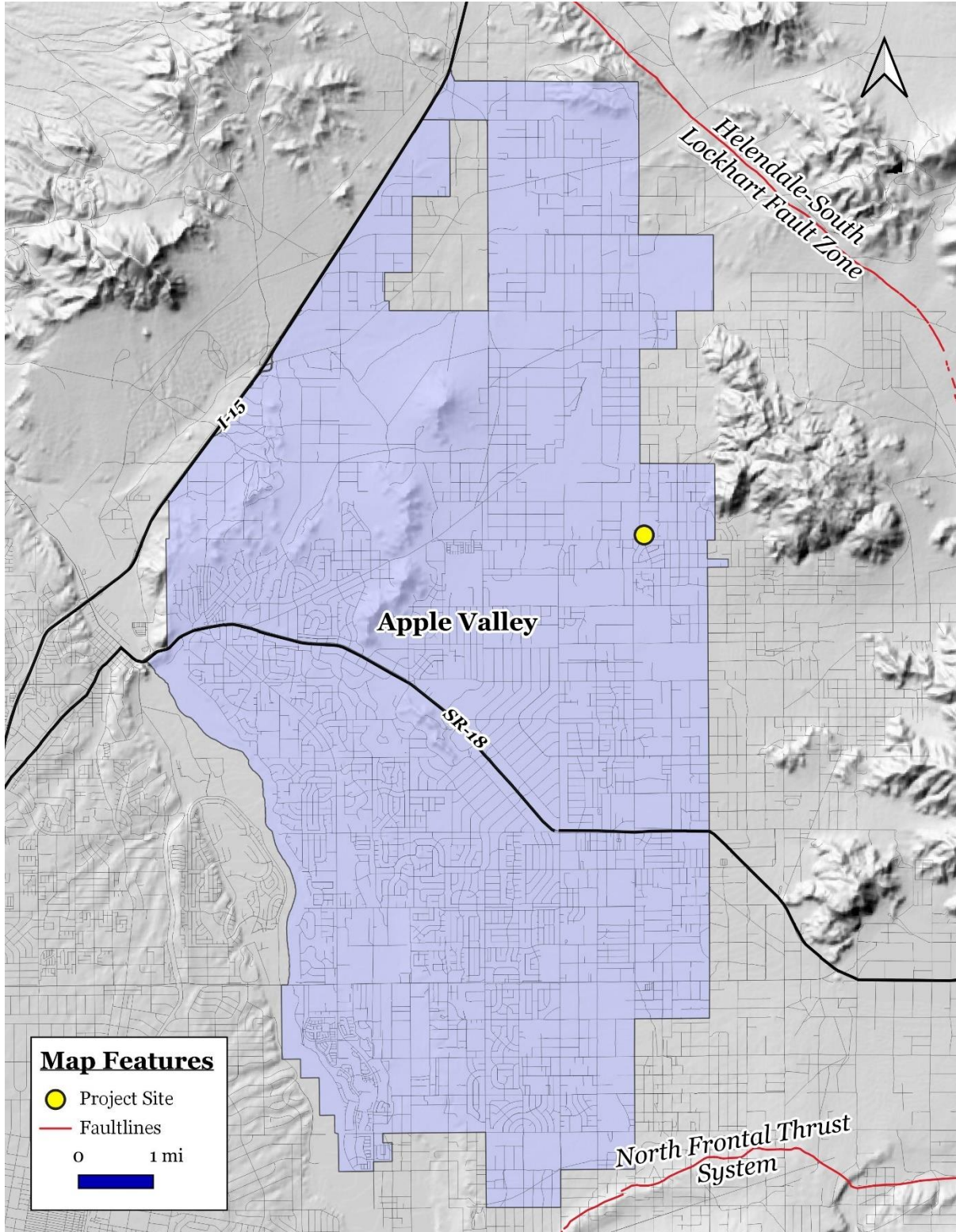


EXHIBIT 3-2 GEOLOGY MAP
SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✘	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✘	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on greenhouse gas emissions if it results in any of the following:

- The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler. However, emissions from fossil fuel combustion have elevated the concentrations of GHG in the atmosphere to above natural levels. These man-made GHG would have the effect of warming atmospheric temperatures with the attendant impacts of changes in the global climate, increased sea levels, and changes to the worldwide biome. They major GHG that influence global warming are described below.

- *Water Vapor.* Water vapor is the most abundant GHG present in the atmosphere. While water vapor is not considered a pollutant, while it remains in the atmosphere it maintains a climate necessary for life. Changes in the atmospheric concentration of water vapor is directly related to the warming of the atmosphere rather than a direct result of industrialization. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to “hold” more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the Earth, thus further warming the atmosphere. When water vapor increases in the atmosphere, more of it would eventually also condense into clouds, which are more able to reflect incoming solar radiation. This will allow less energy to reach the Earth’s surface thereby affecting surface temperatures.
- *Carbon Dioxide (CO₂).* The natural production and absorption of CO₂ is achieved through the terrestrial biosphere and the ocean. Manmade sources of CO₂ include the burning coal, oil, natural

gas, and wood. Since the industrial revolution began in the mid-1700's, these activities have increased the atmospheric concentrations of CO₂. Prior to the industrial revolution, concentrations were fairly stable at 280 parts per million (ppm), according to the International Panel on Climate Change (IPCC Fifth Assessment Report, 2014) Emissions of CO₂ from fossil fuel combustion and industrial processes contributed about 78% of the total GHG emissions increase from 1970 to 2010, with a similar percentage contribution for the increase during the period 2000 to 2010.

- *Methane (CH₄)*. CH₄ is an extremely effective absorber of radiation, although its atmospheric concentration is less than that of CO₂. Methane's lifetime in the atmosphere is brief (10 to 12 years), compared to some other GHGs (such as CO₂, N₂O, and Chlorofluorocarbons (CFCs)). CH₄ has both natural and anthropogenic sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other human-related sources of methane production include fossil-fuel combustion and biomass burning.
- *Nitrous Oxide (N₂O)*. Concentrations of N₂O also began to increase at the beginning of the industrial revolution. In 1998, the global concentration of this GHG was documented at 314 parts per billion (ppb). N₂O is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is also commonly used as an aerosol spray propellant.
- *Chlorofluorocarbons (CFC)*. CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane (C₂H₆) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs have no natural source but were first synthesized in 1928. It was used for refrigerants, aerosol propellants, and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and in 1989 the European Community agreed to ban CFCs by 2000 and subsequent treaties banned CFCs worldwide by 2010. This effort was extremely successful, and the levels of the major CFCs are now remaining level or declining. However, their long atmospheric lifetimes mean that some of the CFCs would remain in the atmosphere for over 100 years.
- *Hydrofluorocarbons (HFC)*. HFCs are synthetic man-made chemicals that are used as a substitute for CFCs. Out of all the GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order), HFC-23 (CHF₃), HFC-134a (CF₃CH₂F), and HFC-152a (CH₃CHF₂). Prior to 1990, the only significant emissions were HFC-23. HFC-134a use is increasing due to its use as a refrigerant. Concentrations of HFC-23 and HFC-134a in the atmosphere are now about 10 parts per trillion (ppt) each. Concentrations of HFC-152a are about 1 ppt. HFCs are manmade and used for applications such as automobile air conditioners and refrigerants.
- *Perfluorocarbons (PFC)*. PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere. High-energy ultraviolet rays about 60 kilometers above Earth's surface are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF₄) and hexafluoroethane (C₂F₆). Concentrations of CF₄ in the atmosphere are over 70 ppt. The two main sources of PFCs are primary aluminum production and semiconductor manufacturing.

- *Sulfur Hexafluoride (SF₆)*. SF₆ is an inorganic, odorless, colorless, nontoxic, nonflammable gas. SF₆ has the highest global warming potential of any gas evaluated; 23,900 times that of CO₂. Concentrations in the 1990s were about 4 ppt. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

The MDAQMD mass emissions threshold is 100,000 tons (90,720 metric tons (MT)) CO₂e per year.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

Table 3-4 shows unmitigated and mitigated GHG emissions and evaluates mitigated emissions against MDAQMD significance thresholds. Operational measures incorporate typical code required energy and water conservation features. Off-site traffic impacts are included in these emissions estimates, along with construction emissions amortized over 30 years. *As a result, the impacts would be less than significant.*

**Table 3-4
Greenhouse Gas Emissions Impact Summary**

Pollutant	GHG Emissions (metric tons/year)			
	Unmitigated (MT/Yr.)	Mitigated (MT/Yr.)	Threshold (MT/Yr.)	Significant
CO ₂	2,100	2,100	--	--
CH ₄	4.9	4.9	--	--
N ₂ O	0.1	0.1	--	
N ₂ O	1,272	1,272	--	
MCO ₂ e	3,529	3,529	90,720	No

Source: MDAQMD 2020 & CalEEMod V.2020.4.0

B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? • Less than Significant Impact

The proposed project would be in conformance with Town of Apple Valley's Climate Action Plan and Resource Element: Energy Conservation of the Town's General Plan. These policies include the following policies listed below and on the following page:

- *Policy 1.A:* The community and all economic sectors shall be urged to conserve energy, with particular focus on the inclusion of energy saving measures in transport systems, and in the planning and construction of urban uses.
- *Policy 1.H:* Encourage energy-conservation and passive design concepts that make use of the natural climate to increase energy efficiency and reduce housing costs.
- *Long Term Implementation Strategy AQ 1.2.9:* The Town has the opportunity to provide leadership in reducing employee-related air pollutant emissions. Progressive Town programs to reduce vehicle-mile-traveled, vehicle trips, solid waste, and energy consumption would improve air quality.
- *Policy 1.B.3:* The Town shall encourage building design that takes advantage of shade, prevailing winds and sun screens. Energy efficient lighting and installation of colored "cool roofs", cool pavement and strategically planted shade trees should also be encouraged. The Town shall support the installation of solar panels on carports and over parking areas where appropriate.
- *Policy NR 1.1:* The Town shall promote the development and use of alternative energy sources, such as passive solar in industrial, commercial, and residential developments.
- *Policy 1.D:* The Town would encourage and facilitate the exploitation of local renewable resources by supporting public and private initiatives to develop and operate alternative systems of electricity generation, using wind, solar and other renewable energies.
- *City Objective 3:* Use of xerophytic (drought tolerant) landscape materials are to be emphasized. School children, public officials, and community organizations should be involved in the planting and care of trees at schools and playgrounds and families should be involved in neighborhood and park development programs.
- *Policy 1.J:* The Town shall implement a coordinated and connected bicycle lane network consistent with the Bicycle Lane Map in this Element.
- *Policy 1.K:* The Town shall provide for a comprehensive, interconnected recreational trails system suitable for bicycles, equestrians and/or pedestrians.
- *Program 1.E.3:* The Town shall require the recycling of mineral-based construction materials, including asphalt, concrete, gypsum and similar materials, and the use of recycled materials in new construction.
- *Policy 1.A:* The Town would cooperate with Federal, State and County governments and local agencies concerning the maintenance and improvement of the quality and quantity of local and regional groundwater resources.
- *Water Resources Policy 1.A:* The Town shall coordinate land development and assure a balance of development and water supply that ensures the long-term maintenance of an adequate supply of water, and its continued high quality.
- *Policy 1.F:* Consistent with community design standards and local and regional drainage plans, the Town shall provide development standards and guidelines for the construction of on-site storm water retention facilities.

- *Policy 1.A.* The Town would require low water use through drought tolerant and native desert plants for landscaping.

This project would not adversely affect the implementation of those policies. As a result, the project would not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. The GHG Screening Table was used to evaluate this project pursuant to the GHG Reduction Plan to identify relevant mitigation. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.9 HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			×	
B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			×	
C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				×
D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				×
E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				×
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				×
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				×
E. Would the project for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				×
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				×
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				×

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hazards and hazardous materials if it results in any of the following:

- The proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- The proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- The proposed project would result in a safety hazard or excessive noise for people residing or working in the project area located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.
- The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- The proposed project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Hazardous materials refer generally to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in a wide variety of products (household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; and households. Accidental releases of hazardous materials can occur from a variety of causes, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? • Less than Significant Impact.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous

materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. *As a result, the impacts would be less than significant.*

B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? • Less than Significant Impact.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. The Applicant would be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan would be reviewed and approved by the Town prior to the issuance of the Occupancy Permit. As indicated in Subsection D, the project site is not listed in either the CalEPA's Cortese List or the Envirostor database. As a result, the likelihood of encountering contamination or other environmental concerns during the project's construction phase is remote. *As a result, the impacts would be less than significant.*

C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? • No Impact.

The nearest school is the Sycamore Rocks Elementary School located approximately 1.08 miles to the southeast of the project site. The nearest sensitive receptors are summarized below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map. The nearest home is located approximately 1,230 feet northeast of the fuel dispensing area.⁵⁵
- *East of the project site:* Vacant, undisturbed land is located to the east of the project site. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map. The nearest homes are located approximately 2,280 feet from the fuel dispensing area. ⁵⁶
- *South of the project site:* Waalew Road extends along the project site's south side. A single-family residence is located further south, on the south side of the aforementioned roadway. This area is zoned as R-EQ (Residential Single-Family Equestrian) in the Town of Apple Valley Zoning Map. The nearest home is located approximately 125 feet south of the fuel dispensing area. This neighborhood and the aforementioned residences is separated from the fuel dispensing area by Waalew Road.⁵⁷
- *West of the project site:* Central Road extends along the project site's west side. A single-family residence is located further west, to the west of the aforementioned roadway. This area is zoned as

⁵⁵ Google Maps and Town of Apple Valley Zoning Map. Website accessed on December 20, 2022.

⁵⁶ Ibid.

⁵⁷ Ibid.

R-E (Residential Estate) in the Town of Apple Valley Zoning Map. The nearest homes are located approximately 325 feet from the fuel dispensing area. ⁵⁸

The primary airborne emissions associated with the operation of gasoline stations are volatile organic compounds or VOCs. VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and may be toxic. VOCs often have odors. Some examples include gasoline, alcohol, and the solvents used in paints. Operational VOC emissions have been analyzed using CalEEMod analysis software and methodology and are based on the default assumptions for a convenience store with fueling positions. The operational VOC emissions estimates associated with this use are shown on Table 3-2 (as ROG). However, CalEEMod does not specifically calculate storage, transfer, and dispensing fuel. The MDAQMD currently does not have a procedure for estimating VOC emissions from storage, transfer and dispensing of fuel, associated with a fueling station. Estimates for gasoline VOC emissions therefore relies on SCAQMD methodology. The storage, transfer and dispensing of gasoline is not expected to generate significant VOC emissions. The enhanced vapor recovery systems required by the MDAQMD Rule 461 (Gasoline Transfer and Dispensers) would substantially reduce VOC emissions and mitigate any potential for the project to exceed the daily emissions thresholds set by MDAQMD.

According to the MDAQMD indicates that there is a potentially significant impact if a project would result in a substantial pollutant concentration that would result in a cancer risk equal to or exceeding 10 chances in one million or having a hazard Index (HI) that is greater than or equal to 1.0. The proposed project's maximum cancer risk is 4.24 chances per million, the chronic HI is 0.04, and the acute HI is 0.19 which are all well below the thresholds (refer to Appendix B). *As a result, no impacts would occur.*

D. *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? • No Impact.*

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search was conducted through the California Department of Toxic Substances Control Envirostor website to identify whether the project site is listed in the database as a Cortese site. The project site is not identified as a Cortese site.⁵⁹ *As a result, no impacts would occur.*

E. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.*

The project site is not located within an airport land use plan but is located within two miles of a public airport or public use airport.⁶⁰ The nearest airport to the site Apple Valley Airport located approximately

⁵⁸ Google Maps and Town of Apple Valley Zoning Map. Website accessed on December 20, 2022.

⁵⁹ CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

⁶⁰ Toll-Free Airline. *San Bernardino Public and Private Airports, California*. <http://www.tollfreeairline.com/california/sanbernardino.htm>.

4,500 feet northwest of the project site.⁶¹ The project would not introduce a structure that would interfere with the approach and take off airplanes utilizing any regional airports. *As a result, no impacts would occur.*

F. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • No Impact.*

At no time would any adjacent street be completely closed to traffic during the proposed project's construction. In addition, all construction staging must occur on-site. *As a result, no impacts would occur.*

G. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? • No Impact.*

The project site is located in an area that is rural though there are subdivisions in the vicinity. The project site along with the entire Town is located within a "moderate fire hazard severity zone" and Local Responsibility Area (LRA).⁶² *As a result, no impacts would result.*

MITIGATION MEASURES

The analysis of potential impacts related to hazards and hazardous materials indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

⁶¹ Google Maps. Website accessed December 9, 2022.

⁶² CalFire. *Very High Fire Hazard Severity Zone Map for SW San Bernardino County.*
http://frap.fire.ca.gov/webdata/maps/san_bernardino_sw/

3.10 HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✗	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✗	
C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner or,			✗	
i) Would the project result in substantial erosion or siltation on- or off-site;			✗	
ii) Would the project substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site.			✗	
iii) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			✗	
iv) Would the project impede or redirect flood flows?			✗	
D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?				✗
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✗

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hydrology and water quality if it results in any of the following:

- The proposed project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- The proposed project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- The proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing

or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows.

- The proposed project would risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.
- The proposed project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? • Less than Significant Impact.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed.

The proposed development site would be located in the northeastern portion of the Town of Apple Valley. The project Applicant will be required to adhere to Chapter 6.40 - Erosion and Sediment Control, of the municipal code regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. *As a result, the impacts would be less than significant.*

B. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? • Less than Significant Impact.*

No new direct construction-related impacts to groundwater supplies, or groundwater recharge activities would occur as part of the proposed project's implementation. Water used to control fugitive dust would be transported to the site via truck. No direct groundwater extraction would occur. Furthermore, the construction and post-construction BMPs would address contaminants of concern from excess runoff, thereby preventing the contamination of local groundwater. As a result, there would be no direct groundwater withdrawals associated with the proposed project's implementation. *As a result, the impacts would be less than significant.*

C. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces? • Less than Significant Impact.*

The proposed project's location would be restricted to the proposed project site and would not alter the course of any stream or river that would lead to on- or off-site siltation or erosion (refer to Exhibit 3-3). The site is presently undeveloped though there are no stream channels or natural drainages that occupy the property. The site would be designed so the proposed hardscape surfaces (the building and paved areas) would percolate into the landscape parkway areas. *As a result, the impacts would be less than significant.*

i. *Would the project result in a substantial erosion or siltation on- or off-site? • Less than Significant Impact*

The project applicant would be required to abide by Town of Apple Valley's Ordinance Chapter 6.40 - that requires all applicants for projects involving construction activities, regardless of size, to submit an erosion and sediment control plan ("ESCP") to the Town for review and approval as mentioned in subsection A. *As a result, the impact would be less than significant.*

ii. *Would the project substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? • Less than Significant Impact*

The project's construction and operation would be restricted to the designated project site and the project would not increase the amount of any stream or river that would lead to on- or off-site siltation or erosion. Once implemented, the proposed project would change the site's drainage characteristics. Predevelopment, the entire site is covered over in earth and pervious surfaces. Following development, the majority of the site, with the exception of the landscaped areas, would be covered over in impervious surfaces. Landscaping would total 4,800 square feet. The landscaping would be drought tolerant and would be installed along the project site's street frontages and around the new building. *As a result, the impacts would be less than significant.*

iii. *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? • Less than Significant Impact*

The project's construction would be restricted to the site and would not alter the course of any stream or channel or river that would lead to on- or off-site siltation or erosion. *As a result, the potential impacts are considered to be less than significant. As a result, the impacts would be less than significant.*

iv. *Would the project impede or redirect flood flows? • Less than Significant Impact*

The proposed project is situated in a Zone X flood zone, an area of minimal flood hazard.⁶³ *As a result, the impacts would be less than significant.*

⁶³ Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2022.

D. *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? • No Impact.*

As mentioned previously, the proposed project site is not located within a Flood Hazard zone.⁶⁴ The proposed project site is not located in an area that is subject to inundation by seiche or tsunami. In addition, the project site is located inland approximately 65 miles from the Pacific Ocean and the project site would not be exposed to the effects of a tsunami.⁶⁵ *As a result, no impacts are anticipated.*

E. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? • No Impact.*

The proposed project is required to be in compliance with Chapter 6.40 of the Town of Apple Valley Municipal Code. In addition, the project's operation would not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

As indicated previously, hydrological characteristics would not substantially change as a result of the proposed project. As a result, no mitigation is required.

⁶⁴ Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2022. d

⁶⁵ Google Earth. Website accessed December 1, 2022.

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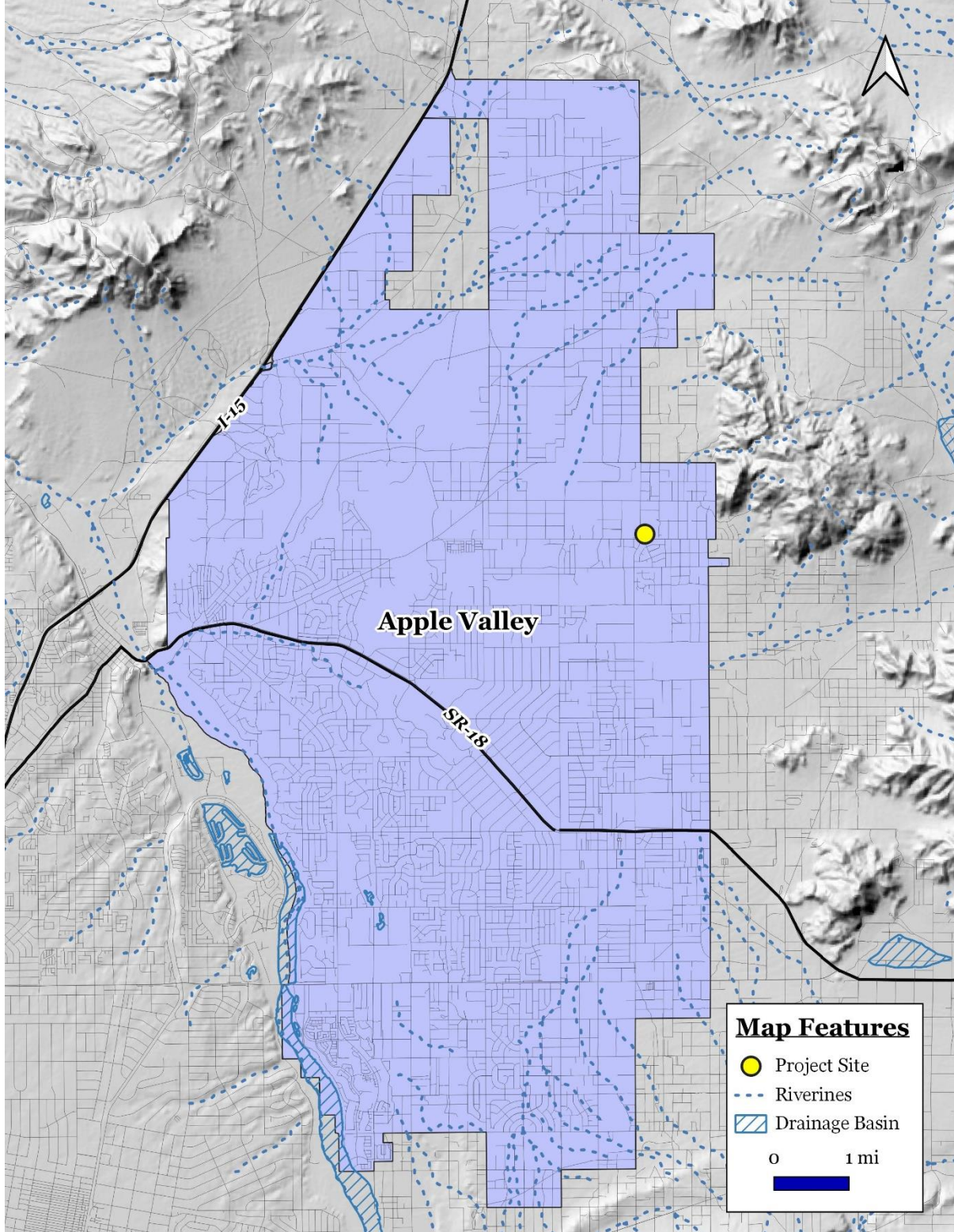


EXHIBIT 3-3 WATER RESOURCES MAP

SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

3.11 LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✘
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✘	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, acting as Lead Agency, a project may be deemed to have a significant adverse impact on land use and planning mineral resources if it results in any of the following:

- The proposed project would physically divide an established community.
- The proposed project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project physically divide an established community? • No Impact.

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project’s implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site’s Zoning designation is R-E (Residential Estate) and the site’s General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The proposed project site consists of 9.8-acres that is largely vacant though it had been disturbed. The southern portion of the site has been graded. Utility lines extend along the site’s Waalew Road frontage. The remainder of the site is occupied by creosote scrub (*Larrea tridentata*). The property is currently zoned as R-E (Residential – Estate). Land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.⁶⁶
- *East of the project site:* Vacant, undisturbed land is located to the east of the project site. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.⁶⁷
- *South of the project site:* Waalew Road extends along the project site's south side. A single-family residence is located further south, on the south side of the aforementioned roadway. This area is zoned as R-EQ (Residential Single-Family Equestrian) in the Town of Apple Valley Zoning Map.⁶⁸
- *West of the project site:* Central Road extends along the project site's west side. A single-family residence is located further west, to the west of the aforementioned roadway. This area is zoned as R-E (Residential Estate) in the Town of Apple Valley Zoning Map.⁶⁹

The granting of the requested entitlements and subsequent construction of the proposed project would not result in any expansion of the use beyond the current boundaries. As a result, the project would not lead to any division of an existing established neighborhood. *As a result, no impacts would result.*

B. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?* • *Less than Significant Impact.*

The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a *Zone Change (ZC)* and a *General Plan Amendment (GPA)* to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*. The following discretionary approvals are required:

- The approval of a *General Plan Amendment (GPA)* and *Zone Change (ZC)* that would permit the proposed commercial use in an R-E zone district;
- The approval of a *Conditional Use Permit* that would permit the sales of alcohol for offsite consumption; and,
- The approval of a *Special Use Permit* that would permit the operation of a gasoline station.

The Town of Apple Valley Zoning Map is provided on the following page in Exhibit 3-4. The proposed commercial component of the project consists of 3.35-acres (145,926 square feet). This commercial development is located on the southwest corner of a larger property that consists of approximately 10-acres. Landscaping would total 4,800 square feet. Hardscape and other impervious surfaces would total 141,126 square feet. The proposed project's building lot coverage would be 23%. The development standards if the General Commercial G-C) zone district are summarized in Table 3-5.

⁶⁶ Google Maps and Town of Apple Valley Zoning Map. Website accessed on December 20, 2022.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

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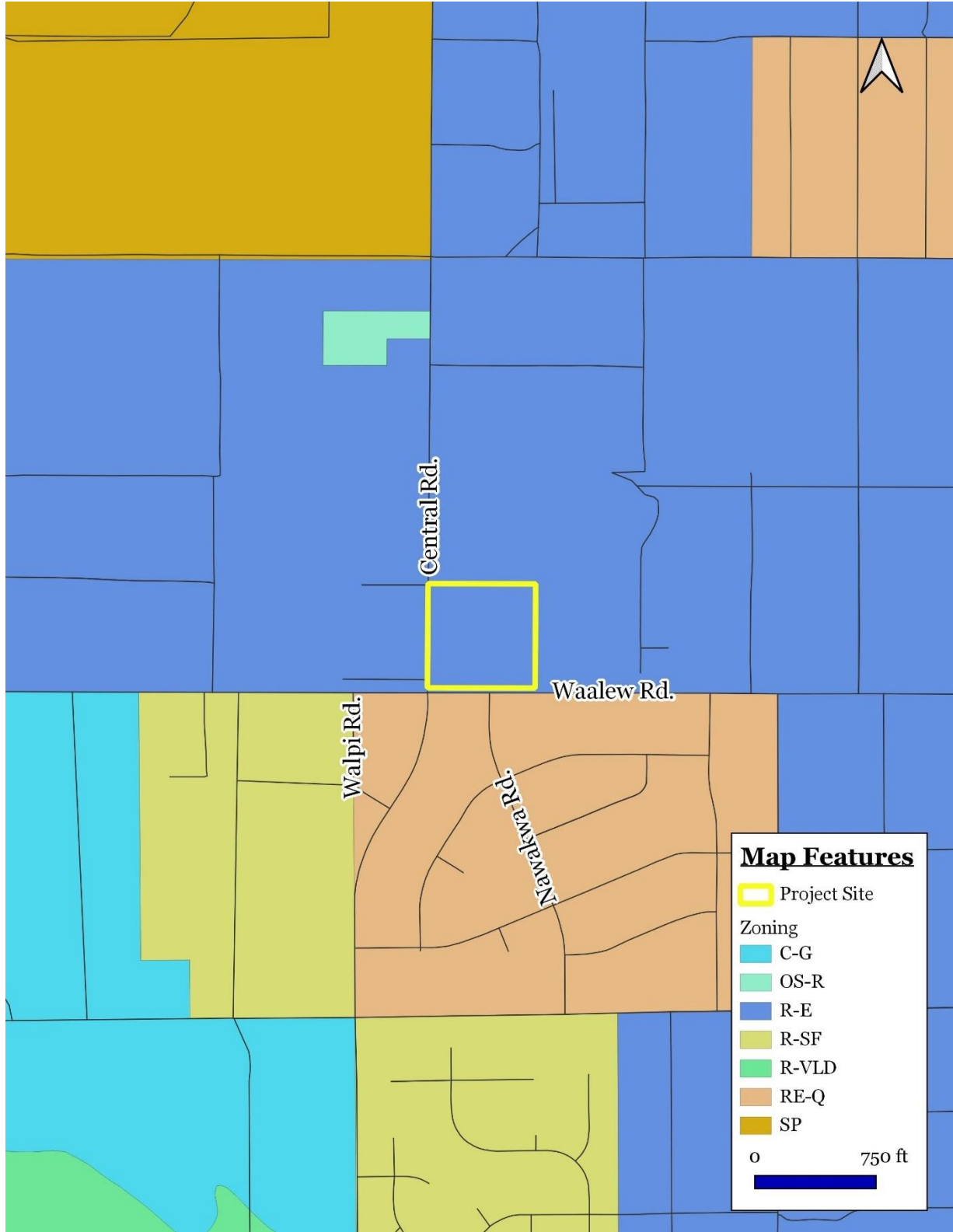


EXHIBIT 3-4 LAND USE AND ZONING MAP
 SOURCE: TOWN OF APPLE VALLEY

**Table 3-5
 C-G Zoning Requirements**

Requirements	Standard	Conformity
Maximum Floor Area	FAR 0.5	Yes
Net Lot Area	20,000 sq. ft.	Yes
Minimum Lot Width	75 feet	Yes
Minimum Lot Depth	100 feet	Yes
Front Yard Setback	35 feet	Yes
Side Yard Setbacks	25 feet (next to residential)	Yes
Rear Yard Setback	25 feet (next to residential)	Yes
Maximum Building Height	35	Yes
Minimum Landscaping	10% of lot area	
Minimum Lot Area	10,000 sq. ft.	

Source: Town of Apple Valley Zoning Code

The proposed development would be consistent with the Town of Apple Valley General Plan and Zoning Ordinance following the requested GPA and ZC. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.

3.12 MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✘
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✘

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on mineral resources if it results in any of the following:

- The proposed project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- The proposed project would result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Surface Mining and Reclamation Act of 1975 (SMARA) has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- *Mineral Resource Zone 1 (MRZ-1)*: This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *Mineral Resource Zone 2 (MRZ-2)*: This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- *Mineral Resource Zone 3 (MRZ-3)*: This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgrade it to MRZ-1.
- *Mineral Resource Zone 4 (MRZ-4)*: This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?* • No Impact.

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The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*.

A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.⁷⁰ The project site is not located in a Significant Mineral Aggregate Resource Area (SMARA) nor is it located in an area with active mineral extraction activities. A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.⁷¹ The project site is located within Mineral Resource Zone (MRZ-3A), which means there may be significant mineral resources present.⁷² As indicated previously, the site is undeveloped and there are no active mineral extraction activities occurring on-site or in the adjacent properties. *As a result, no impacts to mineral resources would occur.*

B. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?* • No Impact.

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project would not interfere with any resource extraction activity. *Therefore, no impacts would result from the implementation of the proposed project.*

MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

⁷⁰ California, State of. Department of Conservation. *California Oil, Gas, and Geothermal Resources Well Finder*. <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.41448/34.56284/14>.

⁷¹Ibid.

⁷² California Department of Conservation. *Mineral Land Classification Map for the Town of Apple Valley Quadrangle*. Map accessed January 31, 2023.

3.13 NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✘		
B. Would the project result in generation of excessive ground borne vibration or ground borne noise levels?			✘	
C. For a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✘

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on noise if it results in any of the following:

- The proposed project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- The proposed project would result in the generation of excessive ground borne vibration or ground borne noise levels.
- For a proposed project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Noise levels may be described using a number of methods designed to evaluate the “loudness” of a particular noise. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. Noise level increases of 3.0 dB or less are not generally perceptible to persons with average hearing abilities. Noise sensitive land uses in the area are shown in Exhibit 3-5. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. Noise levels associated with common everyday activities are illustrated in Exhibit 3-6.

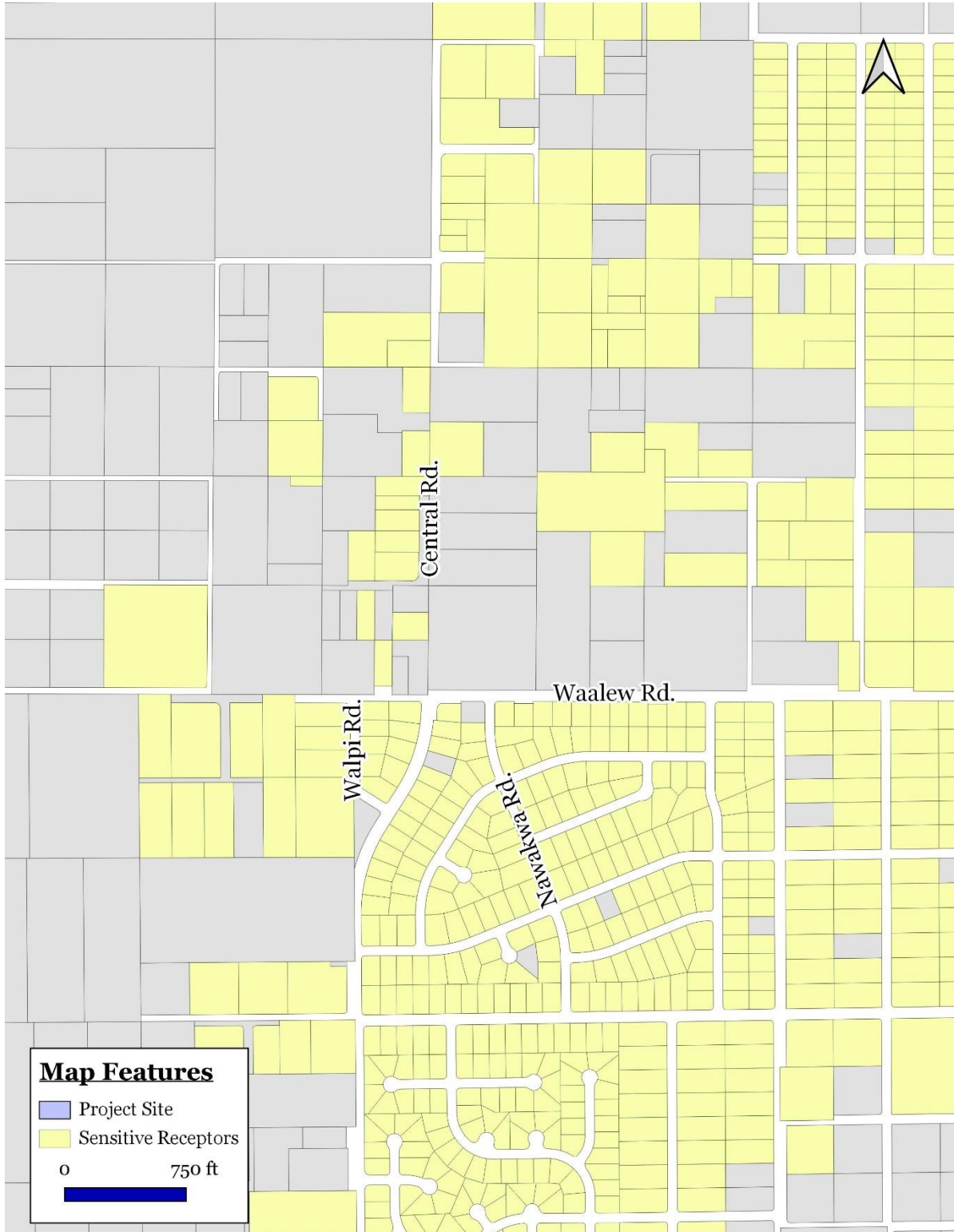


EXHIBIT 3-5 NOISE SENSITIVE LAND USES

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

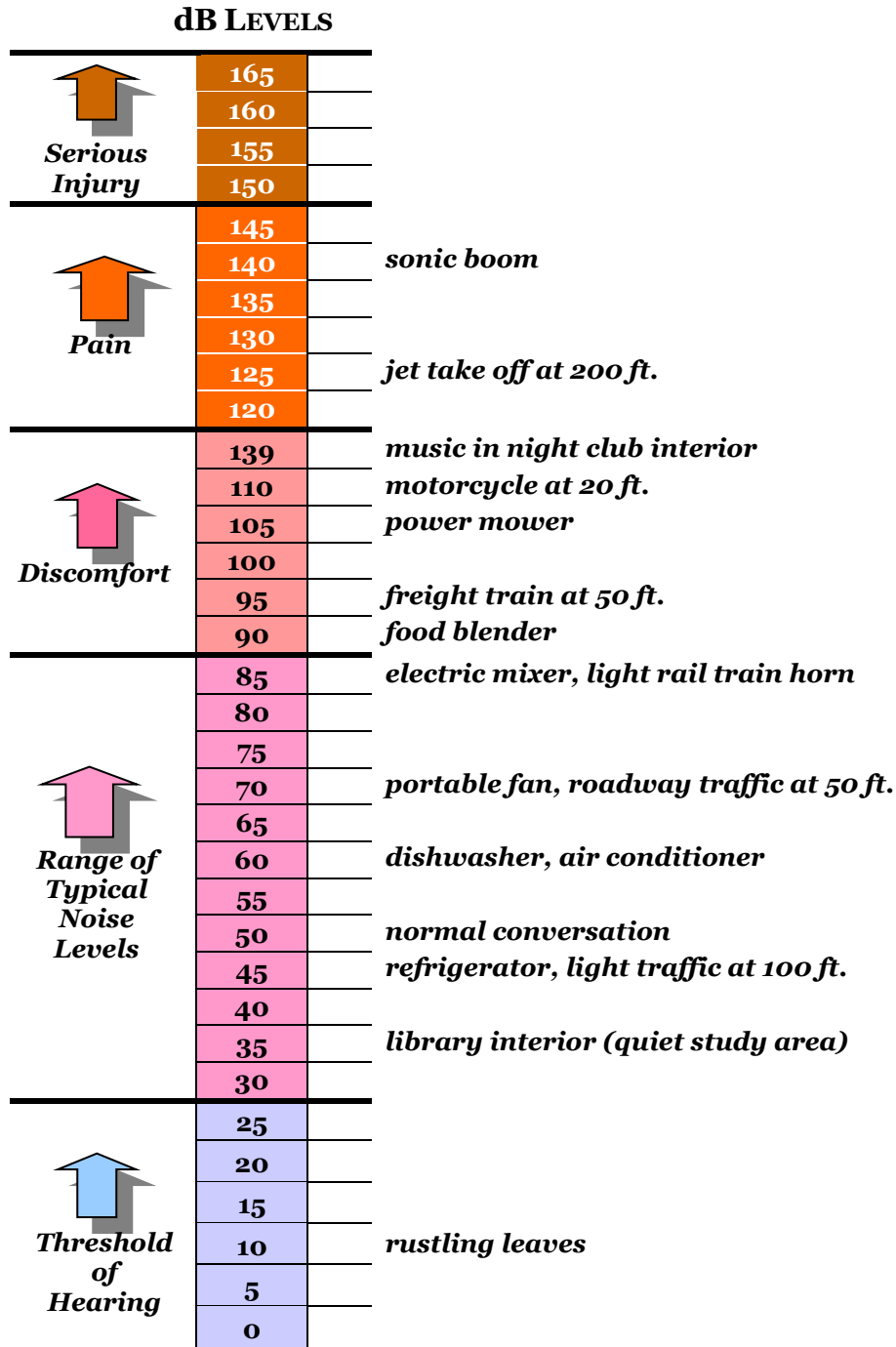


EXHIBIT 3-6 TYPICAL NOISE SOURCES AND LOUDNESS SCALE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? • Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience store (4,842 square feet), retail shops (19,343 square feet), and a fuel dispensing area consisting of 6 pumps (12 fueling positions). The remainder of the site would be subdivided into five separate parcels for future residential development. The proposed project's implementation would require a General Plan Amendment (GPA) and a Zone Change (ZC) to accommodate the proposed uses. The project site's Zoning designation is R-E (Residential Estate) and the site's General Plan designation is *Estate Residential*. The proposed project would require both a Zone Change (ZC) and a General Plan Amendment (GPA) to permit the proposed commercial project. The portion of the site that would be occupied by the proposed commercial uses would be rezoned to *General Commercial (C-G)* and the General Plan designation would be changed to the *General Commercial*. The future five residential parcels would remain *Residential-Estate*.

The primary sources of noise in the Town of Apple Valley Planning Area are freeways and roadways, railroad traffic, SCLA aircraft operations, and stationary sources. Future sources of noise generated on-site would include noise from vehicles traveling to and from the project and noise emanating from back-up alarms, building equipment noise (air conditioning units, and other noises typically associated with commercial development. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities.⁷³

The Town of Apple Valley's Noise Ordinance includes policies and programs that support the Town's goal of maintaining, "Noise levels that are consistent with the Town's rural character and high quality of life." These policies include new development review as well as policies related to transportation planning to reduce noise at sensitive receptors. The Town also limits outdoor noise levels at various types of receptors through the Municipal Code in Section 9.73.050, External and Internal Noise Standards, with noise levels being restricted in single-family residential areas to 50 dBA from 7:00 AM to 10:00 PM and 40 dBA from 10:00 PM to 7:00 AM. The only short-term construction noise would be limited to the grading during the site preparation phases and the erection of the building. Nevertheless, the following mitigation would be required in order to further reduce construction noise:

- The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

Adherence to the above-mentioned mitigation would reduce potential impacts stemming from the project's construction to levels that are less than significant.

⁷³ Bugliarello, et. al. *The Impact of Noise Pollution*, Chapter 127, 1975.

B. Would the project result in generation of excessive ground borne vibration or ground borne noise levels? • Less than Significant Impact.

The construction of the proposed project would result in the generation of vibration and noise, though the vibrations and noise generated during the project’s construction would not adversely impact a sensitive receptors. The background vibration velocity level in residential areas is usually around 50 vibration velocity level (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Construction activities may result in varying degrees of ground vibration, depending on the types of equipment, the characteristics of the soil, and the age and construction of nearby buildings.

The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibrations associated with construction activities using modern construction methods and equipment rarely reach the levels that result in damage to nearby buildings though vibration related to construction activities may be discernible in areas located near the construction site. A possible exception is in older buildings where special care must be taken to avoid damage. Table 3-6 summarizes the levels of vibration and the usual effect on people and buildings. The U.S. Department of Transportation (U.S. DOT) has guidelines for vibration levels from construction related to their activities and recommends that the maximum peak-particle-velocity (PPV) levels remain below 0.05 inches per second at the nearest structures. PPV refers to the movement within the ground of molecular particles and not surface movement. Vibration levels above 0.5 inches per second have the potential to cause architectural damage to normal dwellings. The U.S. DOT also states that vibration levels above 0.015 inches per second (in/sec) are sometimes perceptible to people, and the level at which vibration becomes an irritation to people is 0.64 inches per second.

**Table 3-6
Common Effects of Construction Vibration**

Peak Particle Velocity (in/sec)	Effects on Humans	Effects on Buildings
<0.005	Imperceptible	No effect on buildings
0.005 to 0.015	Barely perceptible	No effect on buildings
0.02 to 0.05	Level at which continuous vibrations begin to annoy occupants of nearby buildings	No effect on buildings
0.1 to 0.5	Vibrations considered unacceptable for persons exposed to continuous or long-term vibration.	Minimal potential for damage to weak or sensitive structures
0.5 to 1.0	Vibrations considered bothersome by most people, tolerable if short-term in length	Threshold at which there is a risk of architectural damage to buildings with plastered ceilings and walls. Some risk to ancient monuments and ruins.
>3.0	Vibration is unpleasant	Potential for architectural damage and possible minor structural damage

Source: U.S. Department of Transportation

Typical levels from vibration generally do not have the potential for any structural damage. Some construction activities, such as pile driving and blasting, can produce vibration levels that may have the potential to damage some vibration sensitive structures if performed within 50 to 100 feet of the structure.

The reason that normal construction vibration does not result in structural damage has to do with several issues, including the frequency vibration and magnitude of construction related vibration. Unlike earthquakes, which produce vibration at very low frequencies and have a high potential for structural damage, most construction vibration is in the mid- to upper- frequency range, and therefore has a lower potential for structural damage. The project’s implementation would not require deep foundations since the underlying fill soils would be removed and the height of the proposed buildings would be limited (a single level). The new building would be constructed over a shallow foundation that would extend no more than three to four feet below the ground surface (bgs). The use of shallow foundations precludes the use of pile drivers or any auger type equipment. However, other vibration generating equipment may be used on-site during construction. As stated above, the project would require the use of excavators, loaders, bulldozers, and haul trucks.

Various types of construction equipment have been measured under a wide variety of construction activities with an average of source levels reported in terms of velocity levels as shown in Table 3-7. Although the table gives one level for each piece of equipment, it should be noted that there is a considerable variation in reported ground vibration levels from construction activities. The data in Table 3-7 does provide a reasonable estimate for a wide range of soil conditions. Based on Transit Noise and Vibration Impact Assessment, a vibration level of 102 VdB (vibration decibels, or 0.5 inches per second [in/sec]) is considered safe and would not result in any construction vibration damage.

**Table 3-7
Vibration Source Levels for Typical Construction Equipment**

Construction Equipment		PPV @25 ft. (inches/sec.)	Vibration (VdB) @ 25 ft.
Pile Driver (impact)	Upper range	1.58	112
	Typical	0.644	104
Pile Drive (Sonic)	Upper range	0.734	105
	Typical	0.170	93
Clam Shovel Drop		0.202	94
Large Bulldozer		0.089	87
Caisson Drilling		0.089	87
Loaded Trucks		0.076	86
Small Bulldozer		0.035	79

Source: Noise and Vibration During Construction

The project would be required to adhere to all pertinent Town noise control regulations. In addition, the cumulative traffic associated with the proposed project would not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater). Once in operation, the proposed project would not significantly raise ground borne noise levels. Slight increases in ground-borne noise levels could occur during the construction phase. The limited duration of construction activities and the Apple Vallet’s construction-related noise control requirements would reduce the potential impacts. *As a result, the impacts would be less than significant.*

C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.

The project site is not located within an airport land use plan. The nearest major airport to the town is the Southern California Logistics Airport located approximately 11 miles northwest of the project site.⁷⁴ The nearest airport to the site Apple Valley Airport located approximately 4,500 feet northwest of the project site.⁷⁵ The proposed use is not considered to be a sensitive receptor. As a result, the proposed project would not expose people residing or working in the project area to excessive noise levels related to airport uses. As a result, no impacts would occur.

MITIGATION MEASURES

The following mitigation would be required in order to further reduce construction noise:

Noise Mitigation Measure No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

⁷⁴ Google Maps. Website accessed February 1, 2023.

⁷⁵ Google Maps. Website accessed December 9, 2022.

3.14 POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✘
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✘

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on population and housing if it results in any of the following:

- The proposed project would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- The proposed project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* • No Impact.

The proposed project involves the construction and subsequent occupancy of a commercial center that would consist of a market and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new market would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the market would be located on the south elevation, facing the fueling area. Secondary access to the market would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. Two underground storage tanks (UST) would be located just east of the fueling area. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would be connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. The proposed project would provide 93 parking spaces include 85 standard spaces and 8 ADA spaces. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate).⁷⁶ Growth-inducing impacts are

⁷⁶ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development.* The site is currently undeveloped and undisturbed. Land uses surrounding the property on the north are designated as Multi-Family with General Commercial to the south with a Specific Plan designation on the west and the Town of Apple Valley boundary on the east.
- *Extension of roadways and other transportation facilities.* Future roadway and infrastructure connections would serve the proposed project site only. Roadways to the project site do not need improvement.
- *Extension of infrastructure and other improvements.* The installation of any new utility lines would not lead to subsequent offsite development since these utility connections would serve the site only. At present, existing water sewer connections would need to be extended to serve the project site. The project's potential utility impacts are analyzed in Section 3.19.
- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants. The project's potential utility impacts are further analyzed in Section 3.19.
- *The removal of housing requiring replacement housing elsewhere.* The site does not contain any housing units. As a result, no replacement housing will be required.
- *Additional population growth leading to increased demand for goods and services.* The project would result in a limited increase in employment which can be accommodated by the local labor market.
- *Short-term growth-inducing impacts related to the project's construction.* The project would result in temporary employment during the construction phase.

The proposed project would utilize existing roadways and infrastructure. The newly established roads and existing utility lines would serve the project site only and would not extend into undeveloped areas. The proposed project would not result in any unplanned growth. *Therefore, no impacts would result.*

B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? • No Impact.

The project site is vacant and disturbed with dirt roads going through the project site and two water wells located on the southeast corner of the project site. This property has a General Plan and zoning designations of Industrial Park Transitional with the surrounding parcels having General Commercial and Single-Family zoning designations. No housing units would be permitted, and none would be displaced as a result of the proposed project's implementation. *Therefore, no impacts would result.*

MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.15 PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:			✘	
i). Would the project result in substantial adverse physical impacts associated with Fire protection?			✘	
ii). Would the project result in substantial adverse physical impacts associated with Police protection?			✘	
iii). Would the project result in substantial adverse physical impacts associated with Schools?			✘	
iv). Would the project result in substantial adverse physical impacts associated with Parks?			✘	
v). Would the project result in substantial adverse physical impacts associated with Other public facilities?			✘	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on public services if it results in any of the following:

- The proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks or other public facilities.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience market, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry

to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. Two underground storage tanks (UST) would be located just east of the fueling area and would include a 10,000 gallon 89 octane and 5,000 gallon diesel UST that would contain 87 Octane fuel. A second 15,000 gallon UST that would contain 92 octane and diesel fuel. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet and would house various commercial businesses. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. The proposed project would provide 100 parking spaces including 92 standard spaces and 8 ADA spaces. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate).⁷⁷

i). *Would the project have fire protection? Less than Significant Impact.*

The Town of Apple Valley receives fire protection services from the Apple Valley Fire Protection District (AVFPD). AVFPD is an independent District that serves the Town and unincorporated areas of San Bernardino County. The District’s approximately 206 square mile service area extends easterly from the Mojave River as far as the dry lakes toward Lucerne Valley. The following stations are found in the area:

- *Station No. 331* at 22400 Headquarters Drive has 12 staff, and is equipped with a Type-1 engine, a Type-2 water tender, and a medium-level rescue vehicle.
- *Station No. 332* at 18857 Highway 18 has 9 staff. Equipment includes a Type-1 engine and a Type-3 engine.
- *Station No. 333* at 20604 Highway 18 is staffed with private ambulance company personnel.
- *Station 334* at 12143 Kiowa Road has 9 staff, a Type-1 engine, and a Type-3 engine. • *Station No. 335* at 21860 Tussing Ranch Road is staffed by paid-call staff only. This means that staff members are alerted via pager to calls within the response area. The station is equipped with a Type-1 engine and a Type-3 water tender.
- *Station No. 336* at 19235 Yucca Loma Road has 6 career and 10 paid-call staff, and is equipped with a rescue squad vehicle, a Type-1 engine, a Type-4 engine, an Incident Command bus, an Incident Support unit and a Type-2 truck.
- *Station No. 337* at 19305 Jess Ranch Parkway was opened in October 2007. Staffing has been expanded, as of April 2008, from 2 to 4 staff members. The station is equipped with a Type-4 Medic Patrol, a Hazmat Trailer, and a Reserve Squad.

Fire station 334 is the first response station to the project site. The proposed project would be required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, and fire flow (or the flow rate of water that is available for extinguishing fires). The proposed project would only place an incremental demand on fire services since the project would be constructed with strict adherence to all pertinent building and fire codes. Furthermore, the

⁷⁷ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

project would be reviewed by AVFPD Fire officials to ensure adequate fire service and safety as a result of project implementation. *As a result, the impacts would be less than significant.*

ii). Would the project have police protection? Less than Significant Impact.

Law enforcement services within the Town are provided by the San Bernardino County Sheriff's Department which serves the community from one police station located 4.22 miles to the southwest of the project site. The proposed project would also be required to comply with the County and Town security requirements. The proposed project would only place an incremental demand on police protection services since the project would be secured at all times. The building and layout design would include crime prevention features, such as nighttime security lighting and secure parking facilities. *As a result, the impacts would be less than significant.*

iii). Would the project be near schools? Less than Significant Impact.

Due to the commercial nature of the proposed project, no direct enrollment impacts regarding school services would occur. The project site is commercial in nature and would not result in any direct school enrollment impacts (as opposed to a residential uses). Pursuant to SB-50, payment of fees to the applicable school district is considered full mitigation for project-related impacts. *As a result, the impacts would be less than significant.*

iv). Would the project be near parks? Less than Significant Impact.

No parks are located adjacent to the site. The nearest public park is the Favorite Lonely Park located approximately 0.35 miles northwest of the project site. The proposed project would not result in any local increase in residential development (directly or indirectly) that could potentially impact the local recreational facilities. *As a result, the impacts would be less than significant.*

v). Would the project have other public facilities? Less than Significant Impact.

The proposed project would not create direct local population growth that could potentially create demand for other governmental service. No housing units would be displaced or constructed as part of the proposed project's implementation. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis of public service impacts indicated that no significant adverse impacts are anticipated, and no mitigation is required with the implementation of the proposed project.

3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				×
B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				×

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on recreation if it results in any of the following:

- The proposed project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- The proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* • **No Impact.**

The proposed project would involve the construction and operation of a commercial center consisting of a convenience market, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet and would house various commercial businesses. Landscaping would total 4,800 square feet and would be

provided around the new building and along the site's roadway frontages. The proposed project's lot coverage would be 23%. The project site's Zoning designation is R-E (Residential Estate).⁷⁸

Due to the commercial nature of the proposed project, no significant increase in the use of Town parks and recreational facilities is anticipated to occur. No parks are located adjacent to the site. The nearest public park is the Favorite Lonely Park located approximately 0.35 miles northwest of the project site. The proposed project would not result in any improvements that would potentially significantly physically alter any public park facilities and services. As a result, no impacts are anticipated.

B. *Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? • No Impact.*

As previously indicated, the implementation of the proposed project would not affect any existing parks and recreational facilities in the Town. No such facilities are located adjacent to the project site. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

⁷⁸ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

3.17 TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✘	
B. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			✘	
C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✘	
D. Would the project result in inadequate emergency access?				✘

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on transportation and circulation if it results in any of the following:

- The proposed project would conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- The proposed project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
- The proposed project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- The proposed project would result in inadequate emergency access.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • Less than Significant Impact.

The proposed project would involve the construction and operation of a commercial center consisting of a convenience market, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet and

would house various commercial businesses. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. The proposed project would provide 100 parking spaces including 92 standard spaces and 8 ADA spaces. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate).⁷⁹ The project site is currently vacant and undeveloped.

The trip generation rates for the site were obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. The land use category for estimating trips for the Convenience Market/Gas Station is the ITE Land Use Category #960. Pass-by factors for the Convenience Market/Gas Station were assumed to be 50% while shared trips among the uses within the center were assumed to be 10% (a reduction in trips of 10% for internal capture is assumed for the development). The land use category for estimating trips for the specialty retail was ITE Land Use Category # 820. Table 3-8 summarizes the estimated trip generation for the project on an average weekday, and during the AM (7-9 AM) and PM (4-6 PM) peak hours. As presented in Table 3-8, the proposed project is estimated to generate 1,945 primary daily trips, 170 primary AM peak hour, and 193 primary PM peak hour trips.

**Table 3-7
Trip Generation**

Use	Size/Quantity	Daily	AM	PM
Super Convenience Market/Gas Station Land Use Category (ITE 960)				
Per Fueling Position	4,842 sq. ft. 12 fueling pos.	230.52	28.08	22.96
Trips		2,766	337	276
Internal Trips (10%)		276	33	27
Subtotal Trips		2,490	307	249
Pass-By Trips (50%)		1,245	153	124
Primary Trips (50%)		1,245	154	125
Retail Use Land Use Category (ITE 820)				
Per 1,000 Sq. Ft. GLA	19,343 sq. ft.	37.75	0.94	3.81
Trips		730	18	74
Internal Trips (10%)		73	2	7
Subtotal Trips		700	16	67
Project Totals				
		1,945	170	193

Table 3-8 summarizes the estimated trip generation for the project on an average weekday, and during the AM (7-9 AM) and PM (4-6 PM) peak hours. As presented in Table 3-8, the proposed project is estimated to generate 1,945 primary daily trips, 170 primary AM peak hour, and 193 primary PM peak hour trips. The analysis did not identify any level of service deficiencies under any of the three analysis scenarios and, therefore, there are no project-specific (or cumulative) measures required to improve the level of service. *As a result, the impacts would be less than significant.*

⁷⁹ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

**B. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? •
Less than Significant Impact.**

The VMT analysis was prepared in accordance with the Town’s adopted Resolution No. 2021-08 (Adopting Thresholds of Significance for Vehicle Miles Traveled (VMT) Under the California Environmental Quality Act (CEQA)) which states that a development project would result in a significant project-generated VMT impact if either of the following conditions are satisfied:

1. The baseline project generated VMT per service population (population plus employees) exceeds the Town of Apple Valley General Plan Buildout VMT per service population, or
2. The cumulative (2040) project generated VMT per service population exceeds the Town of Apple Valley General Plan Buildout VMT per service population.

In addition to project-generated VMT, the Town adopted significant thresholds for a project’s effect on VMT in Apple Valley. The resolution states that a project’s effect on VMT would be considered significant if it resulted in either of the following conditions to be satisfied:

3. The baseline link-level boundary Town-wide VMT per service population increases under the plus project condition compared to the no project condition, or
4. The cumulative link-level boundary Town-wide VMT per service population increases under the plus project condition compared to the no project condition.⁸⁰

The SBTAM model used estimate project-generated VMT for both baseline (2016) and horizon year (2040) scenarios. The SBTAM socioeconomic database for each scenario were updated with the project land use to calculate project VMT. The databases were also used to obtain the town’s population and employment to estimate service population. The SBTAM model was used to estimate the VMT on all roadways within the town’s limits for the baseline and 2040 scenarios with and without the project. Comparing the resulting town-wide VMT with the project against the town-wide VMT without the project would indicate a significant project impact if the “with” project VMT / Service population was higher than the “without” project the metric.

The VMT analysis conducted to identify potentially significant project-generated VMT impacts under CEQA concludes that the proposed project generates a VMT / Service population less than the VMT / Service population representing buildout of Apple Valley’s general plan and, therefore, does not cause a significant impact based on the town’s adopted significance thresholds for project-generated VMT. An analysis conducted to identify potentially significant impacts of the project’s “effects on town-wide VMT” under CEQA concludes that the VMT / Service population metric for the baseline and horizon year scenarios “with the project” do not increase the metric over the “without project” scenarios. Therefore, the proposed project does not cause a significant impact based on the town’s adopted significance thresholds for the project’s effect on town-wide VMT. *As a result, the impacts are less than significant.*

⁸⁰ David Evans and Associates Inc. Proposed Deep Creek Road & Del Oro Road Residential Development. Town of Apple Valley. February 3, 2023.

C. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact.*

Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would be connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. Both driveways would have a curb-to-curb width of approximately 40 feet.⁸¹ The proposed project would not expose future drivers to dangerous intersections or sharp curves. The proposed project would not introduce incompatible equipment or vehicles to the adjacent roads. *As a result, the potential impacts would be less than significant.*

D. *Would the project result in inadequate emergency access? • No Impact.*

The proposed project would not affect emergency access to any adjacent parcels. At no time during construction would either Waalew Road or Central Road be completely closed to traffic. All construction staging must occur on-site. *As a result, no impacts are associated with the proposed project's implementation.*

MITIGATION MEASURES

The analysis of Transportation impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

⁸¹ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

3.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:		✘		
i) Would the project have listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				✘
ii). Would the project have resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American.		✘		

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on tribal cultural resources if it results in any of the following:

- The proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- The proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe • Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience market, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet and would house various commercial businesses. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. The proposed project would provide 100 parking spaces including 92 standard spaces and 8 ADA spaces. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate).⁸² The project site is currently vacant and undeveloped.

A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

Adherence to the standard condition presented in Subsection B under Cultural Resources would minimize potential impacts. *As a result, the impacts would be less than significant with mitigation.*

⁸² Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

i. *Would the listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), • No Impact*

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. The project site is not listed in the Register. *As a result, no impacts would occur.*

ii. *Would the project have a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe? • Less than Significant Impact with Mitigation.*

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

The following mitigation measures would be required to address potential cultural resources impacts:

- An archaeological monitor shall be present from the outset to observe ground disturbing activities in the Project. The monitor shall work under the direct supervision of a qualified archaeologist (minimum of a Bachelor of Science /B.A. in geology, or related discipline with an emphasis in cultural resources/archaeology and demonstrated experience and competence in archaeological research, fieldwork, reporting, and curation). The monitor shall be a trained archaeological monitor with experience and knowledge in the identification and treatment of cultural resources.⁸³
 - The qualified archaeologist shall be on-site at the pre-construction meeting to discuss monitoring protocols.
 - Archaeological monitoring shall start at full-time. If no cultural resources are discovered after half of the ground disturbance has occurred, monitoring can be reduced to part-time or spot-checking.
 - The monitor shall be empowered to temporarily halt or redirect grading efforts if cultural resources are discovered.
 - In the event of an archaeological discovery the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.
- If the project description changes additional studies may be warranted. If archaeological resources are discovered during construction, a qualified archaeologist shall be retained to assess the nature and significance of the discovery. If human remains are encountered, State Health and Safety Code

⁸³ ⁸³ Duke CRM. Cultural and Paleontological Resources Assessment, TTM 20453 Project, Town of Apple Valley, County of San Bernardino, California. September 2022.

Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition of the remains pursuant to State Public Resources Code Section 5097.98. The County Coroner must be notified immediately. If the remains are determined to be prehistoric, the Coroner would notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.⁸⁴

As a result, there would be a less than significant impact with mitigation.

MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

Tribal Cultural Resources Mitigation Measure No. 1. An archaeological monitor shall be present from the outset to observe ground disturbing activities in the Project. The monitor shall work under the direct supervision of a qualified archaeologist (minimum of a Bachelor of Science /B.A. in geology, or related discipline with an emphasis in cultural resources/archaeology and demonstrated experience and competence in archaeological research, fieldwork, reporting, and curation). The monitor shall be a trained archaeological monitor with experience and knowledge in the identification and treatment of cultural resources.⁸⁵

- The qualified archaeologist shall be on-site at the pre-construction meeting to discuss monitoring protocols.
- Archaeological monitoring shall start at full-time. If no cultural resources are discovered after half of the ground disturbance has occurred, monitoring can be reduced to part-time or spot-checking.
- The monitor shall be empowered to temporarily halt or redirect grading efforts if cultural resources are discovered.
- In the event of an archaeological discovery the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.

Tribal Cultural Resources Mitigation Measure No. 2. If the Project description changes additional studies may be warranted. If archaeological resources are discovered during construction, a qualified archaeologist shall be retained to assess the nature and significance of the discovery. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition of the remains pursuant to State Public Resources Code Section 5097.98. The County Coroner must be notified

⁸⁴ Duke CRM. Cultural and Paleontological Resources Assessment, TTM 20453 Project, Town of Apple Valley, County of San Bernardino, California. September 2022.

⁸⁵ Ibid.

immediately. If the remains are determined to be prehistoric, the Coroner would notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.⁸⁶

⁸⁶ Duke CRM. *Cultural and Paleontological Resources Assessment, TTM 20453 Project, Town of Apple Valley, County of San Bernardino, California*. September 2022.

3.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✗	
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			✗	
C. Would the project result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✗	
D. Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✗	
E. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✗

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on utilities if it results in any of the following:

- The proposed project would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- The proposed project would result in a determination by the wastewater treatment provider which serves or may serve the proposed project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- The proposed project would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- The proposed project would negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals.
- The proposed project would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? • Less than Significant Impact.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience market, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet and would house various commercial businesses. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. The proposed project would provide 100 parking spaces including 92 standard spaces and 8 ADA spaces. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate).⁸⁷ The project site is currently vacant and undeveloped.

There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. There are two water tanks adjacent to the project site on the southeastern corner but is not expected to be a deterrent to the proposed project. Therefore, the project’s implementation would not require the relocation of any of the aforementioned facilities. The project site is currently undeveloped and has existing electrical, sewer and water connections adjacent to the project site. The proposed project’s connection can be adequately handled by the existing infrastructure. *As a result, the impacts would be less than significant.*

B. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? • Less than Significant Impact.*

The project site and the surrounding area is under the jurisdiction of the Mojave Water Agency (MWA). The MWA has four-(4) contracts and is entitled to 85,800 acre-feet cumulative per year of supplemental water from the California Water Project (CWP or California Aqueduct) along with another 4,000 acre-feet in January 2020. The original 50,800 acre-feet entitlement of the CWP has been available for 50+ years and the MWA has purchased additional water transfers (first of several from Dudley Ranch) on March 26, 1996, which increased the entitlement by 25,000 acre-feet yearly. Only 7,257 acre-feet per year has been committed to the Morongo Basin, leaving 82,543 acre-feet available to provide “Supplement/Make Up Water” under MWA’s jurisdiction in 2020. The anticipated water demand for the proposed project is summarized in Table 3-9.

⁸⁷ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

Table 3-9
Projected Water Consumption

Project Element	Consumption Rate	Project Consumption
Convenience Store (4,842 sq. ft)	0.05 gals./day/sq. ft.	242 gals./day
Retail Shops (19,343 sq. ft.)	0.05 gals./day/sq. ft.	967 gals./day
Total		1,209 gals./day

Source: Blodgett Baylosis Environmental Planning

The applicant would need a letter from Liberty Utilities in order to ensure water can be served to the site. The proposed project will be required to implement all pertinent water conservation measures. *As a result, the impacts would be less than significant.*

C. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? • Less than Significant Impact.*

Table 3-12 indicates the proposed projects anticipated effluent generation rate. With the implementation of the Town's Capital Improvement Program & Sewer Master Plan System. The proposed project would pay associated development impact fees to the Town to fund the ongoing maintenance and expansion/construction of treatment facilities. The local infrastructure should have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments in conjunction with associated fees and existing plans, as applicable and as needed. *As a result, the impacts would be less than significant.*

Table 3-10
Projected Effluent Generation

Project Element	Generation Rate	Project Generation
Convenience Store (4,842 sq. ft)	0.03 gals./day/sq. ft.	145 gals./day
Retail Shops (19,343 sq. ft.)	0.03 gals./day/sq. ft.	580 gals./day
Total		725 gals./day

Source: Blodgett Baylosis Environmental Planning

D. *Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? • Less than Significant Impact.*

Table 3-11 indicates the proposed projects anticipated solid waste generation rate. The Town of Apple Valley utilizes the Town of Apple Valley Landfill for solid waste disposal. This landfill is operated by the Solid Waste Management Division of the San Bernardino County Public Works Department in accordance with a Waste Disposal Agreement between the Town and the County. The Town of Apple Valley landfill currently operates on 67-acres of a total 491-acre property with a capacity of 1,180 tons per day.

Table 3-11
Projected Solid Waste Generation

Project Element	Generation Rate	Project Generation
Convenience Store (4,842 sq. ft)	8.93 lbs./day/1,000 sq. ft.	43 lbs./day
Retail Shops (19,343 sq. ft.)	8.93 lbs./day/1,000 sq. ft.	173 lbs./day
Total		216 lbs./day

Source: Blodgett Baylosis Environmental Planning

With a planned expansion, as summarized in a Joint Technical Document prepared by the Solid Waste Management Division, the overall capacity would raise to 3,000 tons per day by expanding from a 67-acre operation to an approximately 341-acre operation. *The impacts would be less than significant.*

E. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? • No Impact.

The proposed project, like all other development in Town of Apple Valley and San Bernardino County, would be required to adhere to Town and County ordinances with respect to waste reduction and recycling. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				✘
B. Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✘
C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✘
D. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✘

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on wildfire risk and hazards if it results in any of the following:

- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, substantially impair an adopted emergency response plan or emergency evacuation plan.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.*

The proposed project would involve the construction and operation of a commercial center consisting of a convenience market, retail shops, and a gasoline station. The northern and eastern portion of the site would be subdivided into five separate parcels for future residential development. The future new convenience store would consist of a single level and would have a total floor area of 4,842 square feet. The main entry to the convenience store would be located on the south elevation, facing the fueling area. Secondary access to the convenience store would be provided along the east facing elevation of the new building. The fueling area would consist of six fuel dispensers with a total of 12 fueling positions. The fueling area would be located under a canopy. A future new “L-shaped” retail building would be located in the northeastern corner of the site. This building would be a single-level and would have a total floor area of 19,343 square feet and would house various commercial businesses. Vehicular access to the site would be provided by two driveway connections. One driveway (both ingress and egress) would connect with the north side of Waalew Road and a second driveway (also both ingress and egress) would connect with the east side of Central Road. Landscaping would total 4,800 square feet and would be provided around the new building and along the site’s roadway frontages. The proposed project’s lot coverage would be 23%. The project site’s Zoning designation is R-E (Residential Estate).⁸⁸ The project site is currently vacant and undeveloped.

Surface streets would be improved by pavement at construction and would serve the project site and adjacent area. Furthermore, the proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. At no time during construction would the adjacent Interstate-15 be completely closed to traffic. All construction staging must occur on-site. *As a result, no impacts would occur.*

B. *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • No Impact.*

The project site is not located within any fire hazard severity zones (refer to Exhibit 3-7). The proposed project may be exposed to particulate emissions generated by wildland fires in the mountains (the site is located approximately 20 miles northeast and northwest of the San Gabriel and San Bernardino Mountains). However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire Town as well as the surrounding cities and unincorporated county areas. *As a result, no impacts would occur.*

C. *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? • No Impact.*

The project site is not located in an area that is classified as a moderate fire risk severity within a Local Responsibility Area (LRA), and therefore would not require the installation of specialized infrastructure

⁸⁸ Merrell Johnson Engineering, Inc. Preliminary Site Plan. Central and Waalew Town of Apple Valley. Sheet 1 of 1.

such as fire roads, fuel breaks, or emergency water sources. *As a result, no impacts would occur.*

D. *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? • No Impact.*

There is no risk from wildfire within the project site or the surrounding area given the project site's distance from any area that may be subject to a wildfire event. The proposed project site is not located within an area classified as very high fire hazard severity zones and is not within a flood zone. Therefore, the project would not expose future land uses and development to flooding or landslides facilitated by runoff flowing down barren and charred slopes. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of wildfire impacts indicated that less than significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

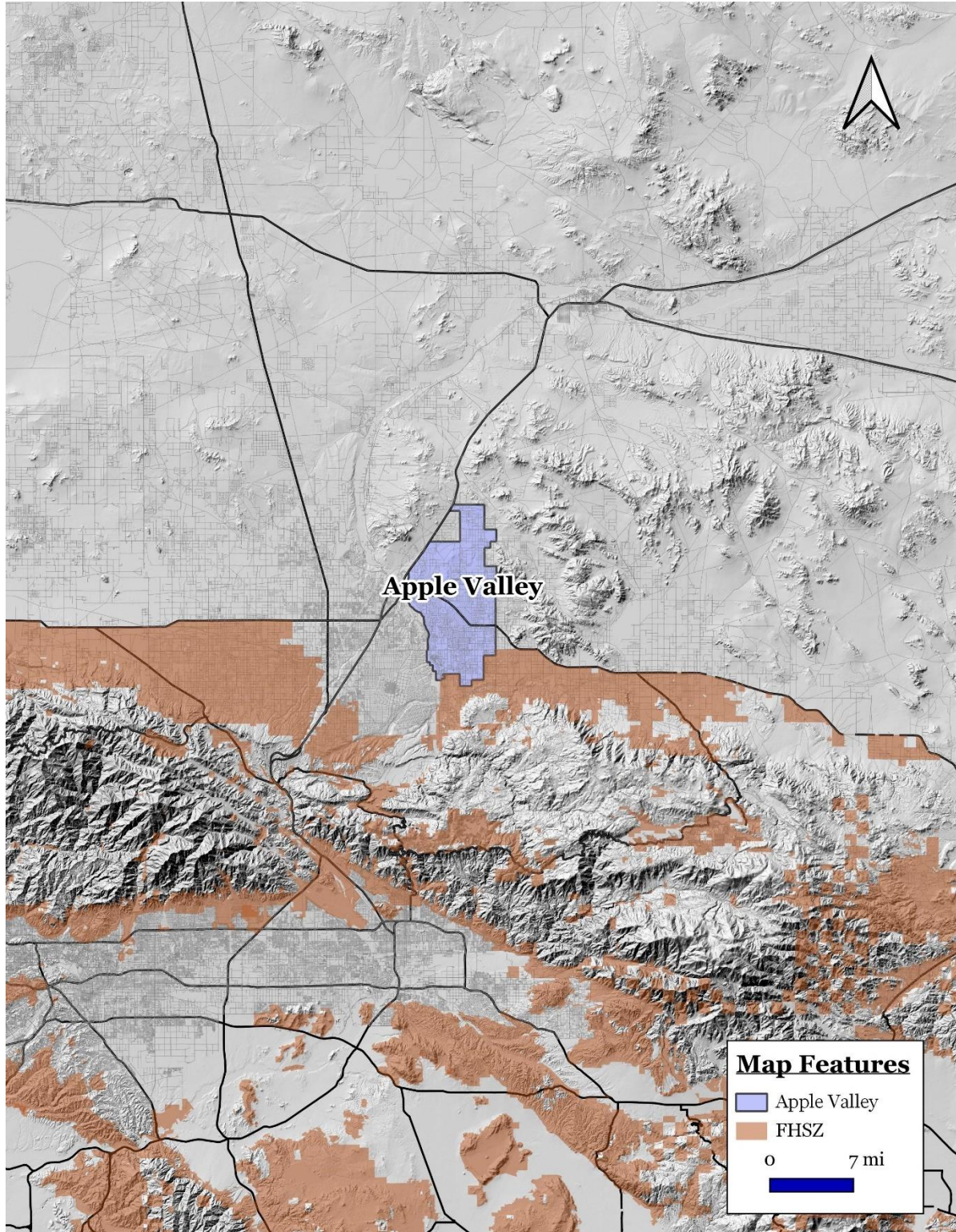


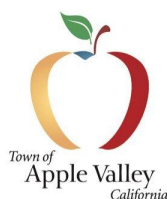
EXHIBIT 3-7 FHSZ MAP
SOURCE: CALFIRE

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				×
B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				×
C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				×

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- A. The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.
- B. The proposed project *will not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.
- C. The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.



SECTION 4 CONCLUSIONS

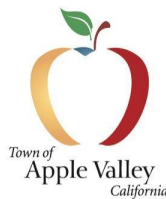
4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

4.2 MITIGATION MONITORING

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the Town of Apple Valley can make the following finding that a mitigation monitoring and reporting program would be required.



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SECTION 5 REFERENCES

5.1 PREPARERS

Blodgett Baylosis Environmental Planning
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(626) 336-0033

Marc Blodgett, Project Principal
Raymond Wen, Project Planner

5.2 REFERENCES

The references that were consulted have been identified using footnotes.

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